

EXHIBIT “1”

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KAREEM TORAIN, :
 :
 Plaintiff, :
 :
 vs. :
 :
 CITY OF PHILADELPHIA, et al : Civil Action: 14-1643
 :
 Defendants. : Lead Docket No. 13-2773

THURSDAY, SEPTEMBER 30, 2021

Oral deposition of KAREEM TORAIN held at the
Law Offices of Marshall, Dennehey, Warner, Coleman &
Goggin, 2000 Market Street, Philadelphia,
Pennsylvania, commencing at 10:11 a.m., by and before
Jo-Anne M. Bosler, Professional Shorthand Reporter
and Notary Public.

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Page 2

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Page 4

DEPOSITION SUPPORT INDEX

DIRECTION TO WITNESS NOT TO ANSWER
 PAGE LINE
 (None)

REQUEST FOR PRODUCTION OF DOCUMENTS
 PAGE LINE
 21-22 23-18

QUESTIONS MARKED

PAGE LINE
 (None)

Page 3

INDEX

WITNESS	PAGE
KAREEM TORAIN	
By MR. GONZALES	5, 187, 198
By MS. TAYLOR	179
By MR. PILEGGI	192

EXHIBITS

NUMBER	DESCRIPTION	PAGE
Torain-1	Defendant's Interrogatories	171
Torain-2	Plaintiff's Response to Interrogatories	171

Page 5

1 (By agreement of counsel,
 2 all objections, except as to the form
 3 of the question, are reserved until
 4 the time of trial.)

5 - - -

6 KAREEM TORAIN, having been duly
 7 sworn, was examined and testified as
 8 follows:

9 - - -

10 EXAMINATION

11 - - -

12 BY MR. GONZALES:

13 Q. Mr. Torain, my name is John
 14 Gonzales. I represent Brian Reynolds in
 15 the lawsuit that you had filed against him
 16 and other defendants. We're here today to
 17 take your deposition.

18 A. Okay.

19 Q. Which is an opportunity for the
 20 attorneys who are involved in your case to
 21 ask you questions under oath regarding any
 22 information you might have that might be
 23 relevant to your lawsuit.

24 A. Okay.

Page 6

1 Q. Before I begin asking questions,
2 however, I have a couple of instructions
3 for you. There's a court reporter seated
4 to your left. She is taking down all of
5 my questions and all of your answers. She
6 cannot take down nods of the head or
7 unn-nns or huh-huhs. So it's important
8 that you give verbal responses to my
9 questions.

10 A. Okay.

11 Q. Do you understand that instruction?

12 A. Yes.

13 Q. The second instruction you may be
14 able to anticipate some of the questions
15 that I'm going to ask you today. But it
16 makes it a lot easier on the court
17 reporter if only one of us is talking at
18 once.

19 Do you understand that instruction?

20 A. Yes.

21 Q. The third instruction is if you
22 don't hear or understand a question that I
23 ask just ask me to rephrase the question,
24 because if you answer the question I will

Page 8

1 Q. Any other names?

2 A. That's it.

3 Q. Where do you live?

4 A. 1621 North Conestoga Street.

5 Q. Where is that located?

6 A. It's West Philadelphia, between
7 54th and 57th Lansdowne.

8 Q. What is the zip code?

9 A. 19131.

10 Q. Do you live there with anyone?

11 A. My mom.

12 Q. And what is your mother's name?

13 A. Carolyn Torain. And my niece
14 Kareema Baker.

15 THE COURT REPORTER: What
16 was her first name?

17 THE WITNESS: Kareema
18 Baker.

19 BY MR. GONZALES:

20 Q. Can you spell that, please?

21 A. K-a-r-e-e-m-a, Baker, B-a-k-e-r.

22 Q. And how long have you been living
23 continuously at 1621 North Conestoga
24 Street?

Page 7

1 assume that you heard it and that you
2 understood it.

3 A. Okay.

4 Q. Do you understand that instruction?

5 A. Yes.

6 Q. Is there any reason why you would
7 not be able to testify truthfully today?

8 A. No.

9 Q. Can you state your full name,
10 please?

11 A. Kareem Torain.

12 Q. Do you have a middle name?

13 A. Shakur.

14 Q. Can you spell that?

15 A. S-h-a-k-u-r.

16 Q. Mr. Torain, what is your date of
17 birth?

18 A. 6/28/77.

19 Q. Have you gone by any other names?

20 A. Yes.

21 Q. What other names had you gone by?

22 A. Gotti.

23 Q. Can you spell that, please?

24 A. G-o-t-t-i.

Page 9

1 A. My whole life.

2 Q. What's the name of your father?

3 A. Raymond Washington.

4 Q. Is he alive?

5 A. Yes.

6 Q. Where does he live?

7 A. I don't know the address, but he
8 lives on 22nd and Toronto, North
9 Philadelphia.

10 Q. Do you still have any relationship
11 with Mr. Washington?

12 A. Yes.

13 Q. How often do you visit or see him?

14 A. Every Friday when I go to Jumar.

15 Q. When you go to where?

16 A. Jumar services. Religious
17 services.

18 Q. Can you spell that?

19 A. J-u-m-a-r, Jumar. Sometimes they
20 put an h behind it, but it's still the
21 same.

22 Q. Do you have any brothers or
23 sisters?

24 A. Yes. I have two sisters. My

Page 10

1 brother is deceased.
 2 Q. Okay. What are your sisters'
 3 names?
 4 A. Tameka (sp) Torain, Margaret
 5 Torain.
 6 Q. And your brother's name was what?
 7 A. Talib Torain.
 8 Q. Can you spell that, please?
 9 A. T-a-l-i -- T-a-l-i-b Torain.
 10 Q. What is Tameka's date of birth?
 11 A. She March 23rd, I believe, '75. I
 12 believe.
 13 Q. And Margaret?
 14 A. Margaret might be -- I know she was
 15 born in '73. I don't know the exact
 16 month.
 17 Q. That's fine.
 18 And Talib?
 19 A. Talib was January 1st, '79.
 20 Q. When did Talib pass away?
 21 A. Talib was murdered in 2006.
 22 Q. Kareema Baker who lives at North
 23 Conestoga -- your niece -- who are her
 24 parents?

Page 12

1 A. Margaret lives on Pine Street, 61st
 2 Street. Pine. I don't know the exact
 3 address. It's a big duplex. She lives
 4 there.
 5 Q. Okay. That's also in Philadelphia?
 6 A. That's in Philadelphia. Yeah.
 7 Q. And who's Tameka's dad?
 8 A. Raymond.
 9 Q. And Tameka's mom?
 10 A. Carolyn.
 11 Q. Same with Margaret?
 12 A. Margaret got the same mom,
 13 different dad.
 14 Q. All right. Who is Margaret's dad?
 15 A. He dad name Eddie. I don't know
 16 nothing else about him. Her and Talib
 17 have the same dad.
 18 Q. And Talib's dad was Eddie?
 19 A. Yep.
 20 Q. You don't know Eddie's last name?
 21 A. I don't even know if his real name
 22 is Eddie.
 23 Q. Are you currently employed?
 24 A. Yes.

Page 11

1 A. Talib Torain is her father. And
 2 her mom is Shante -- Shante Baker. She's
 3 deceased.
 4 Q. How do you spell the mother's name?
 5 A. S-h-a-n-t-e, Shante Baker, I
 6 believe her last name was. She's
 7 deceased, too.
 8 Q. How old is your niece Kareema?
 9 A. I think she's 21. No older than
 10 22.
 11 Q. Where does Tameka live?
 12 A. 6630 Lansdowne Avenue.
 13 Q. Where is that located?
 14 A. It's like past -- between -- all I
 15 remember is it's the Overbrook section.
 16 Q. But it's in --
 17 A. It's in West Philadelphia.
 18 Q. That what's I want to know --
 19 A. Yeah, west Philadelphia. Yeah.
 20 Q. That's what I want to know if it's
 21 in the city.
 22 A. Yeah. It's in the city.
 23 Philadelphia.
 24 Q. And where does Margaret live?

Page 13

1 Q. Where do you work?
 2 A. I got a company Lock the Globe
 3 Cleaning.
 4 Q. Lock the Globe?
 5 A. Cleaning, LLC.
 6 Q. Right. That's what it's called,
 7 Lock the Globe?
 8 A. Yeah. Cleaning, LLC.
 9 Q. Got it.
 10 When you say you have a company, is
 11 it your company?
 12 A. It's me and my partner, Vincent
 13 James, that's my partner.
 14 Q. Can you spell the first name,
 15 please?
 16 A. V-i-n-c-e-n-t, Vincent, James,
 17 J-a-m-e-s.
 18 Q. Where is the office or the
 19 location?
 20 A. We use 1621 address as the
 21 location. We do commercial. That's it.
 22 Commercial cleaning. And clean outs.
 23 Q. Did you and Vincent form the
 24 company?

Page 14

1 A. Yeah. Together, yeah.
 2 Q. When did you form the company?
 3 A. 2018.
 4 Q. Does the company has an accountant?
 5 A. My sister. My sister really do
 6 that. Margaret Torain usually do all the
 7 taxes and all that -- make sure all that
 8 get done.
 9 Q. Is she the bookkeeper for the
 10 business?
 11 A. Yeah. She keep everything in
 12 order.
 13 Q. How much money did you make last
 14 year?
 15 A. After taxes?
 16 Q. Well, you can tell me before or
 17 after, whatever you want.
 18 A. I don't know. Maybe 60-something
 19 thousand or more. I don't know. She has
 20 all the paperwork what we made.
 21 Q. Did you file taxes in --
 22 A. I filed --
 23 Q. Hold on. Let me get the question
 24 out.

Page 16

1 itself. It's an LLC.
 2 Q. Okay. All right. It's not like,
 3 like you bought --
 4 A. We went to a cleaning company that
 5 you could by into the franchise and they
 6 get you the jobs.
 7 Q. Right.
 8 A. And that's what we did.
 9 Q. Okay.
 10 A. Clean Net.
 11 Q. What's the name of the company?
 12 A. Clean Net.
 13 Q. Clean Net.
 14 A. Clean Net U.S.A.
 15 Q. What did you do before you formed
 16 Lock The Globe Cleaning?
 17 A. I was still -- I was on welfare
 18 when I first came out, before I started
 19 Lock The Globe Cleaning.
 20 Q. So when did you get out of prison?
 21 A. 2014.
 22 Q. So from 2014 until 2018 you were on
 23 Welfare?
 24 A. Yes. I'm still on Welfare as far

Page 15

1 Did you file taxes in 2020?
 2 A. Yes.
 3 Q. Do you file taxes in 2019?
 4 A. Yes.
 5 Q. Did you file taxes in 2018?
 6 A. Yes. I believe, yes.
 7 Q. Would you be able to get copies of
 8 those tax returns and provide them to your
 9 attorney?
 10 A. Yes.
 11 Q. Does the company have any
 12 employees?
 13 A. No. Just Vincent James is working
 14 at one of them.
 15 Q. So you and Vincent do the work?
 16 A. Yeah. The commerc -- yeah, the
 17 cleaning, yeah.
 18 Q. And when you say commercial
 19 cleaning, you do what?
 20 A. We got a contract with Mercy --
 21 Mercy Health. It's like a daycare. We
 22 got that through a franchise.
 23 Q. Is Lock the Globe a franchise?
 24 A. Lock the Globe is a company by

Page 17

1 as medical. Just medical and food stamps.
 2 Q. Where did you go to high school?
 3 A. Overbrook.
 4 Q. I saw in your answers to
 5 interrogatories you did not graduate from
 6 Overbrook --
 7 A. Nope.
 8 Q. -- is that correct?
 9 A. Yep.
 10 Q. How far did you get?
 11 A. Ninth.
 12 Q. Have you obtained your G.E.D. since
 13 then?
 14 A. Nope.
 15 Q. Have you tried to obtain your
 16 G.E.D.
 17 A. Yes. When I was incarcerated I
 18 did.
 19 Q. Why were you not able to finish
 20 getting your G.E.D.?
 21 A. I ain't pass the test.
 22 Q. Did you take the test?
 23 A. I took the test twice.
 24 Q. After you got out in 2014 did you

Page 18

1 enroll in any type of education or program
 2 to assist you in getting your G.E.D.?
 3 A. Nope.
 4 Q. Why not?
 5 A. Because I ain't enroll in nothing.
 6 I just ain't going to try to get it.
 7 Q. After you got out in 2014 did you
 8 enroll in any type of job training
 9 program?
 10 A. Nope.
 11 Q. Why not?
 12 A. Because I started -- I had a book
 13 publishing company so I -- I had a book
 14 publishing company before I even came
 15 home, I started a book publishing company
 16 called Lock the Globe Publishing. I have
 17 two books out and I have about two more
 18 about to come out -- March.
 19 Q. What's it called Lock The Globe?
 20 A. Lock the Globe Publishing.
 21 Q. Where is the business address for
 22 Lock the Globe?
 23 A. I'm using 1621. But I used to have
 24 a P.O. Box when I was -- so the books can

Page 20

1 Q. When did she pass?
 2 A. She passed when I was incarcerated.
 3 She passed, like, two thousand -- I
 4 forgot, two thousand and something. I was
 5 incarcerated when she passed.
 6 Q. Other than the G.E.D. classes you
 7 took while you were incarcerated and
 8 Overbrook, did you go anywhere for -- and
 9 take any type of classroom work?
 10 A. No.
 11 Q. Did you go anywhere -- and, again,
 12 other than what you may have received
 13 while incarcerated have you ever enrolled
 14 in any type of job training or
 15 certification program?
 16 A. No.
 17 Q. Do you have a primary care doctor?
 18 A. Yes. Spectrum.
 19 Q. Can you spell that?
 20 A. S-p -- I don't know the correct
 21 spelling. I got it in my pocket.
 22 Q. Yeah, if you don't mind.
 23 MR. GONZALES: Do you mind
 24 if I take a picture and e-mail it

Page 19

1 be sent.
 2 Q. And how many books -- well, strike
 3 that.
 4 Does Lock the Globe Publishing
 5 physically publish the books or --
 6 A. Yes. You got to send them to,
 7 like, Create a Space to handle that. They
 8 print them on demand. When somebody call
 9 to order, they print them and send them.
 10 Q. How much money have you made from
 11 the publishing of books?
 12 A. Not a lot. My sister got the
 13 records of whatever we made online --
 14 whoever ordered the book.
 15 Q. Do you know Miguel Moon?
 16 A. He's my cousin.
 17 Q. So how is he your cousin? What's
 18 the relationship?
 19 A. His grandfather and my grandmom are
 20 brother and sister.
 21 Q. What was your grandmother's name?
 22 A. Shirley Torain.
 23 Q. Is she still alive?
 24 A. Dead.

Page 21

1 to you and Anne?
 2 We can go off the record.
 3 (Discussion was held off
 4 the record.)
 5 BY MR. GONZALES:
 6 Q. Back on the record, you were able
 7 to show me your insurance card with the
 8 name of your primary care doctor, Dr.
 9 DeMarco.
 10 A. Yeah.
 11 Q. Right. But he's part of a practice
 12 called Spectrum?
 13 A. Spectrum. Yeah.
 14 Q. Do you know -- where is their
 15 office located?
 16 A. 52nd and Haverford. Around the
 17 corner. In West Philadelphia.
 18 Q. Who was your primary doctor before
 19 Spectrum?
 20 A. I had -- I went to primary doctor
 21 on 61st and Lansdowne. It was a female.
 22 She ain't there no more.
 23 Q. Do you remember what the name of
 24 the practice was or what her name was?

Page 22

1 A. It was probably under his name --
2 who runs it. I can't remember off the top
3 of my head. Like, I went there for -- I
4 just switched to them -- I just switched
5 to Spectrum sometime this year. So I was
6 going there ever since I came out -- 61st
7 and Lansdowne.

8 Q. Right.

9 A. It sits on the corner, too.

10 Q. Is there any records or anything
11 you could look at home that would be able
12 to refresh your recollection --

13 A. For the name?

14 Q. Yes.

15 A. Yeah.

16 Q. I'm going to ask that you do that
17 and provide that information to your
18 attorney, if you could?

19 A. Yes.

20 Q. If it comes to your later just let
21 us know. Otherwise, just give it to your
22 attorney when you figure it out.

23 Would your mom know, by any chance?

24 A. Yes. Because she used to go there,

Page 23

1 too.

2 Q. Have you ever treated with a mental
3 health provider, like a therapist, a
4 social worker, a psychiatrist or
5 psychologist?

6 A. No.

7 Q. Do you have any children?

8 A. Yes.

9 Q. How many?

10 A. One.

11 Q. Boy or girl?

12 A. Girl.

13 Q. What's her name?

14 A. Raniesh.

15 Q. Can you spell that?

16 A. R-a-n-i-e-s-h.

17 Q. N-e-i-s-h?

18 A. Yeah. Bacon.

19 Q. Bacon?

20 A. Yeah. B-a-c-o-n.

21 Q. And what is Raniesh's date of
22 birth?

23 A. October-something. I don't know
24 offhand.

Page 24

1 Q. Do you know what year?

2 A. I think '92.

3 Q. Do you know where she lives?

4 A. She lives in Delaware.

5 Q. What's her mom's name?

6 A. Tiffany Armstrong.

7 Q. Where does Tiffany live?

8 A. I think she lives in Wilkes-Barre,
9 I believe.

10 Q. And do you have any relationship
11 with Raniesh?

12 A. Yes.

13 Q. Did you provide child support for
14 Raniesh at any time?

15 A. No. I ain't -- I never pay no
16 child support.

17 Q. Were you ever taken to court for
18 child support for Raniesh?

19 A. Nope.

20 Q. How often do you speak to or visit
21 with Raniesh?

22 A. I speak to her often. I just seen
23 her Saturday, a couple of days ago, this
24 weekend just past.

Page 25

1 Q. How about Tiffany Armstrong, do you
2 have --

3 A. No. I have --

4 Q. Wait a minute. I didn't ask the
5 question yet.

6 Do you have any relationship with
7 Tiffany?

8 A. No.

9 Q. Did you ever have any relationship
10 with Tiffany?

11 A. Back around in the early '90s when
12 I was messing with her. No, not in a lot
13 of years.

14 Q. Did you and Tiffany ever live
15 together?

16 A. No.

17 Q. So Tiffany had Raniesh but after
18 Raniesh you did not live with them?

19 A. No.

20 Q. And you didn't provide any child
21 support for Raniesh?

22 A. No.

23 Q. And Tiffany never took you to court
24 for payment of child support; is that

Page 26

1 correct?
 2 A. Nope.
 3 Q. Were there ever any dispute over
 4 the custody of Raniesh between you and
 5 Tiffany?
 6 A. No.
 7 Q. And Raniesh is the only child you
 8 have; correct?
 9 A. Yes.
 10 Q. Have you ever been married?
 11 A. Yes.
 12 Q. Are you married now?
 13 A. I'm married now.
 14 Q. And who are you married to?
 15 A. Emily Carter.
 16 Q. When did you and Emily get married?
 17 A. Two years ago.
 18 Q. Where does Emily live?
 19 A. She live 903 Fairfax.
 20 Q. In the city?
 21 A. Yeah -- no. I think it's Drexel
 22 Hill, PA.
 23 Q. Oh, okay.
 24 Are you separated?

Page 28

1 Q. All right. Did you have this
 2 discussion before you got married?
 3 A. Yeah. She was living in West
 4 Philly at 62nd and Reece and I used to
 5 spend the night at her house, but we
 6 never, like -- I never had no -- nothing
 7 in my name on no bills or nothing like
 8 that. I wasn't paying, like, no rent. I
 9 wasn't on the deed to the house or nothing
 10 like that.
 11 Q. Where did she live in the city?
 12 A. 62nd and Reece. She was living
 13 there about three or four years or more.
 14 Q. Have you been married any other
 15 times?
 16 A. No.
 17 Q. What are your long-term plans with
 18 Emily, are you getting a divorce or --
 19 A. I don't know about that. We got to
 20 try to work it out.
 21 Q. Are you going to convince her to
 22 move back to the city?
 23 A. I don't know.
 24 Q. Other than the case that we're here

Page 27

1 A. Not separated, but we don't live
 2 together though. We're not separated.
 3 Q. Okay.
 4 A. We're still married under the law.
 5 Q. Right. But you don't live
 6 together?
 7 A. We don't live together.
 8 Q. Why not?
 9 A. We have a few mishaps. I ain't
 10 want to move. She wanted me to move and I
 11 ain't want to move.
 12 Q. She wanted you to move out to
 13 Drexel Hill?
 14 A. Yeah. But I ain't want to move.
 15 Q. When did she move out to Drexel
 16 Hill?
 17 A. I think she moved out to Drexel
 18 Hill about a year and a half ago,
 19 probably.
 20 Q. Does she have family out there?
 21 A. Nah. She has two sons. That's it.
 22 Q. Did you and Emily ever live
 23 together?
 24 A. Nope.

Page 29

1 about, your arrest in 2001, I want to go
 2 through any other times you've been
 3 arrested. Okay?
 4 A. Okay.
 5 Q. When was the first time you were
 6 arrested?
 7 A. I think back -- back in like, I was
 8 a juvenile. 1989, '90, something like
 9 that.
 10 Q. Who arrested you? Not the -- if
 11 you know the name of the officer, but if
 12 not, the police department that arrested
 13 you?
 14 A. I think it was 19th District,
 15 Philadelphia.
 16 Q. What were you arrested for? What
 17 were you charged with?
 18 A. I was charged with, I think,
 19 possession.
 20 Q. Possession of drug or weapon?
 21 A. No. Possession of drugs. But I
 22 was in front of Judge Reynolds. I was a
 23 juvenile.
 24 Q. What kind of drugs were you charged

Page 30

1 with possession of?
 2 A. I think crack.
 3 Q. Did you have possession of crack?
 4 A. No. They didn't catch me with
 5 crack. I served -- I served a lady and
 6 she got locked up with the crack or
 7 something like that. They didn't catch me
 8 with the crack.
 9 Q. But whether they caught you --
 10 A. But it was my charge.
 11 Q. I know. Whether they caught you
 12 with the crack or not --
 13 A. Yeah.
 14 Q. -- were you selling crack at the
 15 time --
 16 A. At the time, yeah. That's the case
 17 I went down for.
 18 Q. What happened to the charges?
 19 A. I think I had to go to school
 20 and -- like, I had to go to school. I
 21 didn't get no time for that. I didn't get
 22 no probation or nothing. I had an
 23 advocate at the time.
 24 Q. Okay.

Page 32

1 Q. Who arrested you then?
 2 A. Regular police officer.
 3 Q. Again, Philadelphia Police?
 4 A. Philadelphia Police.
 5 Q. What happened to the charges?
 6 A. I went to jail. That's where I
 7 just came home from.
 8 Q. Did you plead guilty or did you go
 9 to a trial?
 10 A. A trial. A blue (sic) trial.
 11 Q. And was it a jury trial or --
 12 A. A judge. Judge Keogh, Webster
 13 Keogh.
 14 Q. And the judge found you guilty?
 15 A. Yes.
 16 Q. What were you sentenced to?
 17 A. Three and a half to seven.
 18 Q. So what -- in other words, you said
 19 you were charged with kidnap, robbery and
 20 conspiracy.
 21 But what was their story? What
 22 were they saying you did?
 23 A. I was at two of the codefendants.
 24 They just said I was with the person that

Page 31

1 A. I had an advocate.
 2 Q. Do you remember who your advocate
 3 was?
 4 A. Mr. Woody. I don't even know if
 5 he's still alive. He was a little old
 6 back then.
 7 Q. Were you adjudicated directly?
 8 A. No.
 9 Q. You were not?
 10 A. No.
 11 Q. Where were you selling the crack?
 12 A. 66th and Jefferson.
 13 Q. How long -- when did you start
 14 selling crack?
 15 A. Around that time.
 16 Q. How old were you? You said 16 or
 17 17?
 18 A. No. I was about 13.
 19 Q. When was the next time you were
 20 arrested?
 21 A. '95.
 22 Q. What were you arrested for in 1995?
 23 A. 1995 I was arrested for kidnap,
 24 robbery, conspiracy.

Page 33

1 did the kidnapping. So they gave me
 2 conspiracy.
 3 Q. Who was the person that they said
 4 did the kidnapping?
 5 A. Shaheem Mohammed and Hasson
 6 Jackson.
 7 Q. Did you know those two people?
 8 A. Yes.
 9 Q. How did you know them?
 10 A. They lived in the same
 11 neighborhood -- West Philadelphia
 12 neighborhood.
 13 Q. Did they kidnap somebody?
 14 A. Yes.
 15 Q. And were you with them when --
 16 A. I was with them when they --
 17 Q. Wait a minute. You have to let me
 18 finish.
 19 Were you with them when they
 20 kidnapped somebody?
 21 A. Yes.
 22 Q. What was the dispute over?
 23 A. It was about some money -- somebody
 24 owing somebody money or something

Page 34

1 pertaining to that.

2 Q. Was drugs involved?

3 A. There was no drugs. I think it was
4 something a person supposedly had a -- I
5 don't know if he had a lawsuit claim or a
6 liability or something -- or a lottery
7 claim, a lawsuit claim. Something
8 pertaining to the guy was supposed to have
9 60,000 or something like that.

10 But I don't think it was pertaining
11 to no drugs or nothing.

12 Q. Okay. So Shaheem and Hasson wanted
13 to kidnap the guy --

14 A. Kidnap the guy --

15 Q. -- to get the money?

16 A. -- to get the money. Yeah.

17 Q. How did they get caught?

18 A. What his name got caught -- Jackson
19 got caught at the scene. I think Mohammed
20 wind up getting locked up later. He got
21 out on bail. They came to my house and
22 arrested me. I was 17 so I went to the
23 youth study center.

24 Q. All right. In that case you said

Page 35

1 you went to the trial with Judge Keogh.

2 So that was in Common Pleas -- that wasn't
3 in family court; right?

4 A. No. Common Pleas.

5 Q. And the time that you got served
6 you said -- did you spend all of it at the
7 youth study center?

8 A. No. I went to youth study
9 center -- I was 17 so they took me to the
10 youth study center city hall at the time
11 and then I turned 18 so they gave me a
12 bail RR. Then I came over to CJC. When I
13 went to trial at CJC. But I was 17 when
14 the case happened.

15 Q. Oh, I see. When you were arrested
16 and charged --

17 A. Yeah.

18 Q. Let me finish.

19 When you were arrested and charged
20 you were under 18.

21 A. Yes.

22 Q. So once you were arrested they took
23 you and processed you and you stayed at
24 the youth study center until your trial?

Page 36

1 A. I went to youth study center for
2 about two weeks. And then I went to a
3 bail hearing. And then I turned 18 in the
4 process.

5 Q. Okay. So you turned 18 before your
6 trial?

7 A. The case happened in '94. So the
8 case happened when I was 17. When they
9 locked me up I was 18. But they still
10 took me to the youth study center until
11 they certified me.

12 Q. Okay. What does certify mean?

13 A. It mean, like, they certified me as
14 an adult.

15 Q. Okay.

16 A. That's how I got RR, release on my
17 own recognizance.

18 Q. Okay. So you got released on your
19 own recognizance before the trial?

20 A. Before the trial.

21 Q. All right. But then after the
22 trial when you're found guilty then you
23 went --

24 A. I went upstate.

Page 37

1 Q. That's why you went to state?

2 A. That's why I went upstate. Yeah.

3 Q. Where did you spend your state
4 time?

5 A. I went to Graterford, Camp Hill.
6 Then I went to Smithfield.

7 Q. Smithfield?

8 A. Smithfield. SCI Smithfield.

9 Q. Where's that, Smithfield?

10 A. I think Smithfield -- there's
11 nothing there next to it. Huntingdon.
12 Huntingdon, PA.

13 Q. Oh, okay. So it's out west?

14 A. Probably it's -- I don't know.

15 MR. GONZALES: Off the
16 record.

17 (Discussion was held off
18 the record.)

19 BY MR. GONZALES:

20 Q. How long did you serve your
21 sentence?

22 A. I did almost four and a half years.
23 But I got paroled from Pennsylvania jail
24 and then I went over to New York, because

Page 38

1 I had a New York case.
 2 Q. So you serve four and a half years
 3 of your three and a half to seven --
 4 A. Seven.
 5 Q. -- in Pennsylvania?
 6 A. In Pennsylvania.
 7 Q. They released you from the PA state
 8 prison but sent you up to New York?
 9 A. New York came and got me.
 10 Q. When was the New York -- what was
 11 the New York charge?
 12 A. New York charge was possession of
 13 drugs. Possession charge.
 14 Q. When was that?
 15 A. I got that case in '96.
 16 Q. Wait a minute. While you were
 17 waiting for your trial?
 18 A. Yeah. While I was waiting for
 19 trial for the kidnapping I caught that
 20 case.
 21 Q. Okay.
 22 A. Yeah. I caught that case. But I
 23 got bailed out on that case. So when I
 24 went to trial they put a detainer on me

Page 40

1 Q. And what kind of drugs did they say
 2 that you had?
 3 A. It was cocaine.
 4 Q. Crack cocaine or powder?
 5 A. No. Powder. Powder substance.
 6 Q. How much?
 7 A. Like -- they said, like a hundred
 8 grams. Something like that.
 9 Q. Okay. And it's your testimony that
 10 you had no cocaine on you at the time?
 11 A. They found the drugs underneath the
 12 seat. They didn't find drugs on me.
 13 Q. But that wasn't my question.
 14 A. Okay.
 15 Q. Did you bring the drugs --
 16 A. I didn't bring the drugs --
 17 Q. Let me ask the question.
 18 Did you bring the drugs on the bus?
 19 A. No. I didn't bring the drugs on
 20 the bus.
 21 Q. Why were you going to New York City
 22 that day?
 23 A. I have family over in New York.
 24 Q. And what was the family in New

Page 39

1 because I didn't make it to court.
 2 Q. Okay. Where in New York did you
 3 get arrested?
 4 A. Port authority. Peter Pan bus.
 5 Q. Were you allowed to leave the State
 6 of Pennsylvania while you were released on
 7 your own recognizance?
 8 A. I wasn't on no, like -- I wasn't
 9 under no penalties or nothing when I was
 10 on my own recognizance. I wasn't, like --
 11 Q. That's what I'm asking, there
 12 weren't any restrictions or --
 13 A. No. There wasn't no restrictions
 14 on my movement.
 15 Q. You're on a port authority -- you
 16 were arrested by Port Authority Police.
 17 They caught you with drugs.
 18 A. They didn't catch me with the
 19 drugs.
 20 Q. They claim they caught you with the
 21 drugs on a bus up at the port authority?
 22 A. At the port authority.
 23 Q. In New York City?
 24 A. In New York City.

Page 41

1 York?
 2 A. I got an Aunt Kitty.
 3 Q. What was your Aunt Kitty's last
 4 name?
 5 A. I don't know her last name, because
 6 she was married -- she was my uncle's
 7 wife. I didn't know her last name.
 8 Q. And what's your uncle's name?
 9 A. Shakur Washington.
 10 Q. Same as your middle name?
 11 A. Yes. There's Shakur Washington and
 12 Ricky Washington is his name.
 13 Q. All right. Prior to this visit in
 14 1996 did you -- had you visited them
 15 before?
 16 A. Nah. Probably when I was younger.
 17 Q. Was this the first time you went up
 18 by yourself to visit them?
 19 A. Yes.
 20 Q. Were you going with anyone else on
 21 the bus?
 22 A. When I got locked up?
 23 Q. Yes?
 24 A. No. Not at that time.

Page 42

1 Q. So you were arrested in New York
2 City while awaiting trial for the Philly
3 case?

4 A. Philly case.

5 Q. All right. And what happened with
6 the New York charges?

7 So you're charged with possession
8 then did you --

9 A. I made bail.

10 Q. Okay. So you made bail. And then
11 what happened to the case?

12 A. I came back to Pennsylvania for
13 that case. Got found guilty on the PA
14 case.

15 Q. Oh, okay. Go ahead.

16 A. So when I went upstate New York
17 knew where I was at because they came and
18 got me.

19 Q. Okay. Had you had the New York
20 case been adjudicated yet when they came
21 and got you?

22 A. No. What you mean by adjudicated?

23 Q. There hadn't been -- had there been
24 a trial or a plea?

Page 44

1 A. Like a year. I went over there in
2 '97 summer until '98 summer. So that was
3 like a year.

4 Q. So it took a year before you can
5 make bail?

6 A. No. I didn't make bail.

7 Q. I thought I asked you that.

8 A. No. I made bail. Back it up a
9 little. Back it up a little bit.

10 When I got the three and a half to
11 seven upstate, New York came and got me
12 while I was doing the PA time.

13 Q. Ohhh.

14 A. While I'm doing PA time New York
15 came and got me in '97. I went over there
16 until '98 -- a year. When I'm over there
17 I settled in for that year. When we
18 started trial I took the plea. The plea
19 was two to life parole -- two life -- life
20 parole. The only way I took the two life
21 parole because they didn't have two life
22 parole and decided we have to settle.

23 You get what I'm saying?

24 Q. Not at all.

Page 43

1 A. When they came and got me I was
2 over in New York for a year ready to go to
3 trial. Instead of going to trial I
4 pleaded out.

5 Q. Okay. That's what I was trying to
6 get at.

7 So while you were doing your time
8 in Philadelphia the case in New York was
9 basically on hold?

10 A. On hold.

11 Q. Okay.

12 A. Yeah. Yeah.

13 Q. So you're released from PA after
14 serving four and a half. New York picks
15 you up and takes you where, to New York
16 City?

17 A. New York City, yeah. Manhattan.
18 Manhattan Tombs.

19 Q. Okay.

20 A. And then Rikers Island.

21 Q. How was that?

22 A. Rough spot.

23 Q. How long were you in Rikers Island
24 until the trial?

Page 45

1 MS. TAYLOR: Can I please
2 clarify?

3 MR. GONZALES: Please.

4 MS. TAYLOR: It sounds
5 like you were serving concurrent
6 time; is that --

7 THE WITNESS: The two life
8 was concurrent with the three and
9 a half to seven.

10 MS. TAYLOR: So the New
11 York sentence was concurrent --

12 THE WITNESS: With the
13 Pennsylvania.

14 MR. GONZALES: I got it.

15 MS. TAYLOR: Thank you.

16 THE WITNESS: Yeah. So
17 when they came and got me in 2000,
18 I made parole in Pennsylvania in
19 2000, when I went over to New
20 York -- I went over there to see
21 the parole board. I had to go
22 upstate to get a state number
23 because I never had a state number
24 in New York. So I went upstate in

Page 46

1 New York, I made parole. They
 2 sent me to Lincoln Correctional
 3 facility.
 4 I got my release paper
 5 right here if you want to see it.
 6 MR. GONZALES: I do,
 7 actually. That would be good.
 8 Off the record.
 9 (Discussion was held off
 10 the record.)
 11 BY MR. GONZALES:
 12 Q. So you were describing what
 13 happened with New York and that you were
 14 sentenced concurrently to the time that
 15 you spent in Pennsylvania?
 16 A. Yeah. New York ran the time I took
 17 over there was concurrent up with
 18 Pennsylvania.
 19 Q. Did you have additional time,
 20 though, that you had to spend in New York
 21 after you were released from Pennsylvania?
 22 A. Once Pennsylvania paroled me, New
 23 York came and got me.
 24 Q. Okay.

Page 48

1 A. At the facility. And paint. I did
 2 painting, too. Yeah. You get paid from
 3 them.
 4 Q. So five or six months you spent at
 5 the halfway house, the work release
 6 program. Then after that what happened?
 7 A. I got released December 12th to
 8 1621 North Conestoga Street.
 9 Q. And that's the papers that --
 10 A. That's the papers, that's the
 11 release papers.
 12 Q. That the paper you just showed me
 13 that I scanned?
 14 A. Yep.
 15 Q. So what was the date of your actual
 16 release?
 17 It's hard to read on the document.
 18 A. December 12th, 2000. It's
 19 highlighted in yellow.
 20 Q. Okay. Can I see that again.
 21 After your release on December
 22 12th, 2000 where did you go?
 23 A. 1621 North Conestoga Street.
 24 Q. How did you get there?

Page 47

1 A. I had to go over to New York. I
 2 had to go over to New York to see the
 3 parole board.
 4 Q. Okay. So once you saw the parole
 5 board in New York what happened?
 6 A. They paroled me.
 7 Q. Okay. And then you returned home
 8 or what happened?
 9 A. No. That's when I was sent to
 10 Lincoln Correctional facility. I went to,
 11 like a half -- like a work release
 12 program.
 13 Q. Okay. In New York?
 14 A. In New York.
 15 Q. How long did you stay there?
 16 A. I think I stayed about five or six
 17 months I was in there.
 18 Q. So what year was that?
 19 A. 2000.
 20 Q. So you lived there and then you
 21 were able to work?
 22 A. I worked inside there -- like
 23 cleaned up.
 24 Q. At the facility?

Page 49

1 A. Bus.
 2 Q. Did you have to report anywhere in
 3 Philadelphia?
 4 A. Yes. My probation right there.
 5 Ms. Jones. Cynthia Jones.
 6 Q. Did you report to Mr. Jones?
 7 A. Yes.
 8 Q. Any other arrests other than the
 9 one that we're here about?
 10 A. Any other arrests I got recently?
 11 Q. No, no. Any other arrests, period,
 12 in your life?
 13 A. Yeah. Before all that?
 14 Q. At any time, before or after.
 15 A. Yeah. Like, the drug case. That's
 16 it.
 17 Q. Okay. What other drug cases did
 18 you have?
 19 A. I caught, like, nine -- I probably
 20 caught them all before the kidnap. I
 21 don't know the dates. I took, like, half
 22 of the time I served probation for them --
 23 like miscellaneous cases. They wasn't
 24 like big cases. They was like time served

Page 50

1 or something like that.
 2 Q. Right. I'm just --
 3 A. That was before I caught that
 4 kidnap, robbery case.
 5 Q. Okay. So before the kidnap,
 6 robbery case --
 7 A. Before the kidnap, robbery case.
 8 Q. All right. You're talking over me.
 9 She's going to strangle both of us.
 10 A. Oh, excuse me.
 11 Q. So before the kidnap, robbery case
 12 it's your testimony that you were arrested
 13 how many times?
 14 A. About three or four after that.
 15 Q. Okay.
 16 A. Around that.
 17 Q. And were all of those arrests for
 18 drug cases?
 19 A. Yep.
 20 MR. PILEGGI: Can I just
 21 for the record, they were all
 22 while you were an adult?
 23 THE WITNESS: I don't know
 24 if I was 18, yet. It was between

Page 52

1 A. Nah.
 2 Q. But were they all in Philadelphia?
 3 A. Yeah, in Philadelphia.
 4 Q. And they were all while you were a
 5 juvenile?
 6 A. Yeah. I fell in '96.
 7 Q. What type of drugs did they arrest
 8 you for selling?
 9 A. Crack.
 10 Q. And were you selling crack at that
 11 time?
 12 A. Around that time, yeah -- I
 13 believe, yeah.
 14 Q. Any other arrests that we haven't
 15 discussed?
 16 A. Nope.
 17 Q. Never been arrested in New Jersey?
 18 A. Nope.
 19 Q. Never been arrested outside the
 20 City of Philadelphia in Pennsylvania?
 21 A. Nope.
 22 Q. And that New York arrest was the
 23 only other --
 24 A. Only out of state case I had was

Page 51

1 juvenile -- I mean under 18. It
 2 had to be; right? I went to jail,
 3 yeah. It had to be under 18 when
 4 I caught those cases.
 5 BY MR. GONZALES:
 6 Q. So one that I see on your criminal
 7 history rap sheet is from July 14th, of
 8 1990, by the 19th district, for possession
 9 and possession with intent to distribute?
 10 A. That's the one I told you about,
 11 1990 case. I was 13, I think.
 12 Q. But you're saying that there were
 13 three to four other ones as well?
 14 A. Like miscellaneous one. Like, I
 15 got time served or something for them. I
 16 don't know.
 17 Q. Okay. But when you say they're
 18 miscellaneous, they were --
 19 A. They weren't big cases. They was
 20 like -- yeah.
 21 Q. Right. But were they drug cases?
 22 A. They were drug cases.
 23 Q. Do you remember the officers who
 24 arrested you?

Page 53

1 New York. That's it.
 2 Q. Okay. Ever been stopped by the
 3 police for any reason?
 4 A. Yeah. Like probably a regular
 5 stop -- a ticket or something like that.
 6 Nothing else, yeah.
 7 Q. Do you remember -- I mean how many
 8 tickets have you gotten?
 9 A. Probably one. One or two. Running
 10 a light -- red light or something.
 11 Q. Were they Philly PD or somewhere?
 12 A. No, Philadelphia. I just had to
 13 pay the ticket. I didn't get no points.
 14 Q. Okay. Other than those two or
 15 couple of incidents, any other stops by
 16 police?
 17 A. Nah.
 18 Q. Prior to January of 2001, had you
 19 had any contact with Officer Brian
 20 Reynolds?
 21 A. Prior -- before that?
 22 Q. Before.
 23 A. No.
 24 Q. Prior to when you got locked up for

Page 54

1 this case, did you ever hear the name
 2 Brian Reynolds?
 3 A. No. Never heard of him.
 4 Q. Did you know who he was?
 5 A. Nope.
 6 Q. Prior to your arrest in January of
 7 2001, did you ever have any contact with
 8 Jeffrey Walker?
 9 A. Nope.
 10 Q. Did you know who Jeffrey Walker
 11 was?
 12 A. Nope.
 13 Q. Every hear the name Jeffrey Walker?
 14 A. Nope.
 15 Q. Same question for Officer Monaghan
 16 in this case.
 17 Did you ever have any prior contact
 18 with Monaghan?
 19 A. I was familiar with Monaghan.
 20 Q. How were you familiar with
 21 Monaghan?
 22 A. Because Monaghan patrolled that
 23 area of West Philly area, 86th and
 24 Jefferson and Master and all that area

Page 56

1 know him other than that.
 2 BY MR. GONZALES:
 3 Q. Never saw him before?
 4 A. Never saw him.
 5 MS. TAYLOR: Mr. Torain,
 6 you're talking over the attorney.
 7 THE WITNESS: Oh, excuse
 8 me.
 9 MS. TAYLOR: So just be
 10 mindful.
 11 BY MR. GONZALES:
 12 Q. After you came home in December of
 13 2000 --
 14 A. Yeah.
 15 Q. -- what did you do to get a job?
 16 A. I was looking for a job. But me
 17 not having a job I had late monitor. I
 18 was on house arrest. I had to come out a
 19 certain time and I had to be in by a
 20 certain time.
 21 Q. And you were on house arrest from
 22 where, New York or PA?
 23 A. No. Pennsylvania. From
 24 Pennsylvania.

Page 55

1 back in the early '90s. So I knew who
 2 Monaghan was. And I seen Monaghan at the
 3 police station.
 4 Q. All right. Had you had any
 5 interactions -- personal interactions with
 6 Monaghan?
 7 A. Not at all.
 8 Q. But you recognized him from the
 9 neighborhood?
 10 A. I know him from the neighborhood.
 11 Yeah.
 12 Q. Did he lock any of your friends up?
 13 A. Not that I know of.
 14 Q. Did he lock any of your family up?
 15 A. Not that I know of.
 16 Q. How about Kelly -- Officer Kelly?
 17 A. I don't know him.
 18 Q. Sean Kelly?
 19 A. I just know him from the case. I
 20 don't know him other than that.
 21 THE COURT REPORTER: You
 22 know him from what?
 23 THE WITNESS: From my
 24 case. I don't know him -- I don't

Page 57

1 Q. Did you physically have to wear a
 2 ankle bracelet?
 3 A. I got a ankle bracelet on my leg
 4 when I got arrested.
 5 Q. When you got arrested for this
 6 case?
 7 A. I had a ankle monitor on my leg.
 8 Q. Right.
 9 So my question is when you were
 10 released from New York did you have the
 11 ankle bracelet?
 12 A. I didn't have it.
 13 Q. You got it when you came back here
 14 to --
 15 A. I got it --
 16 Q. You have to wait.
 17 A. Excuse me.
 18 Q. Did you get the ankle bracelet when
 19 you came down here and spoke to your
 20 probation officer -- or parole officer?
 21 A. Yep. Yep.
 22 Q. What were the terms of your house
 23 arrest? In other words, when were you
 24 permitted to leave --

Page 58

1 A. Come out -- I was allowed to come
 2 out from 8 o'clock in the morning. I had
 3 to be in before nine. Yeah.
 4 Q. Were you permitted to get a job if
 5 it was outside the home between eight and
 6 nine?
 7 A. Yeah.
 8 Q. Did your parole officer assist you
 9 in trying to find a job?
 10 A. Nope.
 11 Q. Did you do anything to try to find
 12 a job?
 13 A. Yes. I went down -- that morning I
 14 went to Local 332 construction and try to
 15 get a job that morning.
 16 Q. Did you?
 17 A. Yep.
 18 Q. Where did you work?
 19 A. No, I didn't work. I went there to
 20 try to get a job, but they didn't have no
 21 work. It's like construction. It's like
 22 construction, like, they got the job
 23 there. Like they hire you for, like, a
 24 day or something like that. I went down

Page 60

1 Q. No, no. Did you personally ever
 2 see him selling drugs?
 3 A. No, I didn't personally see him
 4 selling no drugs.
 5 Q. Did you hear people say he was
 6 selling drugs?
 7 A. No.
 8 Q. Anthony Hodges, do you know him?
 9 A. I know him from being arrested from
 10 my case. I don't know him before that. I
 11 didn't know him before that.
 12 Q. By the way, how long did you know
 13 Darnell DeLee before you were arrested in
 14 January of 2001?
 15 A. Since the early '90s. He's, like,
 16 younger. He was younger. He was younger
 17 than me -- probably about three or four
 18 years younger than me.
 19 Q. Do you know Kabeum (sp) Diggs?
 20 A. I just know him from my case. I
 21 ain't know him before that.
 22 Q. Ronald Freeman -- did you know him?
 23 A. Nope.
 24 Q. Arthur Tillman?

Page 59

1 there.
 2 Q. All right. You have to go every
 3 day and --
 4 A. Yeah. You got to keep trying to go
 5 down until they got some work for you.
 6 Somebody told me about the job, that's
 7 what made me be down there.
 8 Q. All right. How many times did you
 9 go to Local 332 to get a job?
 10 A. I went twice from the time I was
 11 out, but I was never able to get a job.
 12 Q. What else did you do to try to get
 13 a job?
 14 A. That's it.
 15 Q. Did you know Darnell DeLee (sp)?
 16 A. Yes, from my neighborhood.
 17 Q. How did you know him from the
 18 neighborhood?
 19 A. He was a kid. He was a kid. He
 20 grew up near my neighborhood. He lived
 21 around the corner, not too far from where
 22 I lived at.
 23 Q. Did you ever see him selling drugs?
 24 A. Yeah. On videotape.

Page 61

1 A. I know him.
 2 Q. Okay. How did you know Arthur
 3 Tillman?
 4 A. He's from my neighborhood.
 5 Q. Did you ever see him selling drugs?
 6 A. No. He never sold drugs a day in
 7 his life.
 8 Q. How do you know?
 9 A. I know him my life. He's like --
 10 he's always been that guy that's like gay.
 11 Like that. He never -- I never seen him
 12 sell drugs.
 13 Q. You say he doesn't sell drugs?
 14 A. He might, but I never see him sell
 15 drugs. I know him for a long time. I
 16 never seen him sell no drugs.
 17 Q. Had you ever been on the 5600 block
 18 of Master Street before January of 2001?
 19 A. Nope.
 20 Q. Did you ever know anyone who lived
 21 on that block?
 22 A. Darnell DeLee live.
 23 Q. Where did Darnell DeLee live?
 24 A. Two houses from the corner store.

Page 62

1 Q. Did you ever see anyone selling
2 drugs from any of the houses on Master
3 Street?
4 A. Nope.
5 Q. On the day that you were arrested
6 when you were arrested, were you driving a
7 car?
8 A. Yes.
9 Q. What kind of car were you driving?
10 A. A Bonneville.
11 Q. What color was it?
12 A. Green.
13 Q. Whose Bonneville was it?
14 A. It was a friend of mine called
15 Derrick. They call him D Rock.
16 THE COURT REPORTER: You
17 call him what?
18 THE WITNESS: D Rock. But
19 his name is Derrick.
20 BY MR. GONZALES:
21 Q. What's Derrick's last name?
22 A. I don't know his last name.
23 Q. Can you describe what Derrick
24 looked like back in January 2001?

Page 64

1 jacket?
2 A. I think I may had Timberlands on,
3 too.
4 Q. Timberlands?
5 A. Yeah. Timberland boots. I think I
6 had Timberland boots on.
7 Q. What color?
8 A. Brown, black. I think black. I
9 had black. I had black Timberland boots.
10 Q. What kind of pants were you
11 wearing?
12 A. Probably regular Khakis or
13 something.
14 Q. What kind of a shirt?
15 A. Like a button up.
16 Q. Do you remember what color?
17 A. Nah.
18 Q. Were you wearing any jewelry?
19 A. Nah.
20 Q. Did you have a beard?
21 A. Yeah.
22 Q. Were you wearing a hat?
23 A. Nope.
24 Q. Where did you get the car from

Page 63

1 A. Smaller than me. About light
2 brown. Wavy -- waves in his head.
3 Q. Did he have facial hair?
4 A. Not a lot.
5 Q. Did he have a beard?
6 A. He had like a beard but not a lot.
7 It was, like, a full beard but not thick.
8 Q. When did you get the Bonneville
9 from Derrick?
10 Did you get it that day or --
11 A. I got it that day. Probably in the
12 afternoon time I got it.
13 Q. What time?
14 A. Around, like, two-something.
15 Two-something in the afternoon.
16 Q. By the way, the day that you were
17 arrested do you remember what day of the
18 week it was?
19 A. Yeah. It was on a Thursday.
20 Q. Do you remember what the weather
21 was like?
22 A. I had a jacket on so it was like a
23 little breeze out there. Yeah.
24 Q. What were you wearing besides the

Page 65

1 Derrick?
2 A. 55th and Lansdowne. In front of
3 the barbershop.
4 Q. Why did you get the car from
5 Derrick that day?
6 A. I wanted to go see a female that
7 day. But the female lived up the street.
8 Q. So you wanted to see the female?
9 A. Yeah.
10 Q. Okay.
11 A. I wanted to see the female, but he
12 let me hold the car, but I had to drop him
13 off first on 61st and Lansdowne Road.
14 Q. So how did you get to Derrick's?
15 A. We drove in the Bonneville to see
16 61st and Lansdowne Road, because that's
17 where his apartment was at. And I took
18 the car and came back down.
19 Q. So he picked you up at your house?
20 A. No. I got his car 55th and
21 Lansdowne in front of the barbershop.
22 Q. Okay. That's my question is how
23 did you get to 55th and Lansdowne?
24 A. I walked around the corner. I live

Page 66

1 around the corner from 55th and Lansdowne.
 2 I live on 1621.
 3 Q. So you walked?
 4 A. So I walked around the corner.
 5 Q. That's what I'm asking.
 6 A. Yeah. I lived right around the
 7 corner.
 8 Q. So you walked --
 9 A. Yeah.
 10 Q. -- you walked from your house --
 11 A. To around the corner.
 12 Q. -- to around the corner to 55th and
 13 Lansdowne; is that correct?
 14 A. Yeah. To where the barbershop is.
 15 Yeah.
 16 Q. Were you with anyone?
 17 A. By myself.
 18 Q. All right. Tell me the direction.
 19 You come out of your house and do you go
 20 left or right?
 21 A. Go right.
 22 Q. Okay. And then --
 23 A. Coming down Hunter.
 24 Q. Go left or right on Hunter?

Page 68

1 Q. Did you walk another block?
 2 A. No. I'm on 55th and Hunter right
 3 here. I walked to 55th and Lansdowne.
 4 Right here like this.
 5 Q. Right. But I'm asking you, is that
 6 a block?
 7 A. That's a block, yeah. Like that.
 8 Q. Okay. That's all I was asking.
 9 So you make a left on 55th.
 10 A. Hmm-mm.
 11 Q. You walk a block to the corner
 12 Lansdowne and 55th --
 13 A. 55th.
 14 Q. -- where there's a barbershop --
 15 A. Yes.
 16 Q. -- and that's where you met
 17 Derrick?
 18 A. Yes.
 19 Q. Did you go inside the barbershop?
 20 A. No. They was standing outside on
 21 the steps.
 22 Q. When you say, they, who else was
 23 present?
 24 A. Like, people that was getting their

Page 67

1 A. Make a left.
 2 Q. Okay. You go to 55th Street.
 3 A. Yeah.
 4 Q. Then where do you go, left or
 5 right?
 6 A. I go to the corner. Right there
 7 with the barber -- the barbershop is on
 8 the right-hand side on the corner.
 9 Q. Okay. You said 55th and Lansdowne.
 10 I thought that was 55th and Hunter.
 11 Lansdowne is another block down?
 12 A. Hunter -- I coming out of
 13 Conestoga. I'm walking down Hunter.
 14 Q. Right.
 15 A. And when I get right there I make
 16 the left that's 55th.
 17 Q. Right.
 18 A. Then when you walk down the street
 19 the barbershop is right there at 55th and
 20 Lansdowne.
 21 Q. That's what I was asking.
 22 So when you got to 55th Street at
 23 Hunter you made a left?
 24 A. I make a left, yeah.

Page 69

1 hair cut, they was just out there on the
 2 steps. There was other people out there.
 3 Q. Do you remember the names of any of
 4 those people?
 5 A. No. I ain't know them people.
 6 Q. Was Derrick with anybody?
 7 A. He was by his self.
 8 Q. Had you asked Derrick ahead of time
 9 to use his car?
 10 A. No. I got in the car with him and
 11 I told him I wanted to meet this girl and
 12 he told me to drive -- he drove his car
 13 and told me to drop him off and I take the
 14 car.
 15 Q. Okay. So in other words, you
 16 didn't, like, call him ahead of time and
 17 say, hey, can I borrow your car to go
 18 visit this girl?
 19 A. No. I talked just to her and seen
 20 he was at the barbershop and I walked
 21 around and I told him I wanted to go see
 22 the girl. I told him face to face. He
 23 told me he was at the barbershop.
 24 Q. All right. Do you remember what

Page 70

1 time you left your house?
 2 A. A little after two.
 3 Q. That's two in the afternoon; right?
 4 A. Yes.
 5 Q. Did you make any stops between your
 6 house and the barbershop?
 7 A. Right there on the side there's a
 8 store -- like a water ice stand right in
 9 the middle of Hunter Street. I know the
 10 guy -- I know the guy Hasheem (sp) at the
 11 time had that store. I just stopped and
 12 said something to him and kept going. It
 13 was, like, briefly.
 14 Q. Other than that did you stop
 15 anywhere along the way?
 16 A. No. No.
 17 Q. By the way, that morning did you
 18 sleep in your own house that morning?
 19 A. Yeah.
 20 Q. What time did you get up?
 21 A. A little after eight.
 22 Q. What did you do when you got up?
 23 A. Probably ate, that's it.
 24 Q. Was anyone home?

Page 72

1 leave the house yet. I was still in the
 2 house.
 3 Q. What did you do?
 4 A. Probably watch TV or something.
 5 There wasn't nothing to do.
 6 Q. Did your sisters get up?
 7 A. One went to work. Margaret Torain
 8 was at work. She was at work.
 9 Q. Do you remember what time she got
 10 up to go to work?
 11 A. No.
 12 Q. Where did she work at the time?
 13 A. She was working for a bank at the
 14 time, if I'm not mistaken. I think she
 15 works for a bank.
 16 Q. What did she do there?
 17 A. I'm not sure.
 18 Q. How about your other sister?
 19 A. I don't know if Tamika had a job at
 20 the time. I don't -- the kids live there,
 21 too. They had two kids a piece. The kids
 22 stayed there, too.
 23 Q. All right. So I've got Tamika
 24 living in the house, you, your mom, your

Page 71

1 A. My mom.
 2 Q. Anyone else?
 3 A. Not that I can think of.
 4 Q. Was anyone else living at the house
 5 at the time?
 6 A. Yeah. Both my sisters were.
 7 Q. Were they home when you got up?
 8 A. They was asleep. Yeah, they were
 9 there.
 10 Q. After you had breakfast what did
 11 you do?
 12 A. Nothing. I had to report -- I had
 13 to report on Thursday to the parole agent,
 14 but I'm not sure if I went down there that
 15 day or not. Because sometimes she would
 16 call and tell me I ain't have to come. So
 17 I usually report to the parole agent every
 18 Thursday. But I don't remember if I went
 19 down there that day. Sometimes she would
 20 call and tell me not to come. So I'm not
 21 sure.
 22 Q. All right. So what did you do
 23 between 8 a.m. and to around 2 p.m.?
 24 A. I was still in the house. I ain't

Page 73

1 two sisters and then your two sisters each
 2 had two kids?
 3 A. They had two kids.
 4 Q. All right. So what were Margaret's
 5 two kids' names?
 6 A. Shaidell.
 7 Q. Can you spell that?
 8 A. S-h-a-i-d-e-l-l and Siani. I don't
 9 know how to spell that, S-i -- I don't
 10 know how to spell that name.
 11 Q. How old was Shaidell at the time?
 12 A. She might have been seven. Yeah,
 13 like, seven.
 14 Q. How old was Siani?
 15 A. Siani might have been, like, two or
 16 three.
 17 Q. And Tamika's kids?
 18 A. Briana and Stephanie.
 19 Q. How old was Briana?
 20 A. Briana and Shaidell are close to
 21 the same age; probably one year apart.
 22 Stephanie is a little older than Siani.
 23 Q. So you don't recall if Tamika had a
 24 job.

Page 74

1 Do you know whether she was home
2 while you were there?
3 A. She was there. Yeah.
4 Q. Was she there when you left?
5 A. Yes.
6 Q. The kids -- the older kids, the
7 ones that were six, seven or eight -- were
8 they in school?
9 A. I think they went to Heston, Heston
10 Elementary right behind -- yeah. Heston
11 Elementary. I don't know if they were in
12 school that day, but they go to school,
13 yeah.
14 Q. Right. That was my next question.
15 On January 4th do you know if school was
16 back in or were they still --
17 A. I ain't sure. I can't remember.
18 Q. And the only thing you remember
19 doing, if anything, was basically
20 having breakfast and watching TV --
21 A. Yeah.
22 Q. -- from around 8 a.m. until 2 p.m.?
23 A. Until two when I walked around the
24 barbershop.

Page 76

1 A. Yeah.
2 Q. When?
3 A. That day. I'm saying I got that
4 phone that day.
5 Q. Between 8 a.m. and 2 p.m.?
6 A. No. I been had the phone, but I'm
7 saying I first start using the phone that
8 day.
9 Q. Right. But my question is when did
10 you physically --
11 A. The phone? A couple of days before
12 that.
13 Q. You're --
14 A. Excuse me. Excuse me.
15 Q. Let me ask the question.
16 When did you physically receive the
17 phone?
18 A. A couple of days before.
19 Q. You say a female dropped it off?
20 A. She gave me the phone. Yeah.
21 Q. Okay. And what's the name of the
22 female?
23 A. Sabrina Stanley.
24 Q. Can you spell the first name?

Page 75

1 Q. You said you talked to Derrick
2 on -- by phone?
3 A. Yes.
4 Q. Did you have your own cell phone at
5 the time?
6 A. I just got that phone that day. I
7 had numbers -- because I had no phone at
8 the time. I had numbers written on
9 papers. I just got that Nextel phone that
10 day.
11 Q. When did you get the Nextel phone?
12 You said that day. From where?
13 A. The fourth. I got that phone that
14 day, the fourth.
15 Q. Right. From where?
16 A. From the phone?
17 Q. Where did you get the phone from?
18 A. My brother's female bought me the
19 phone. I don't remember. The phone was
20 brand new.
21 Q. Right. But how did it get to you?
22 A. I got it from him. He gave me the
23 phone.
24 Q. Right.

Page 77

1 A. S-b-r-n-a.
2 Q. S-b-r-n-a. S-a-b-r-n-a?
3 A. Yeah. Stanley.
4 Q. Stanley. How did you know Sab --
5 A. I used to mess with her back in '94
6 or '95.
7 Q. Did she buy the phone?
8 A. Yeah. I told her I had no phone.
9 She knew I just came home so she bought me
10 a phone.
11 Q. So it was a gift?
12 A. Yeah. She know I ain't have a
13 phone so she bought me a phone.
14 Q. You're saying you didn't activate
15 the phone until that day, January 4th, of
16 2001?
17 A. Yeah. That's the day I acti -- I
18 used it. It was like a day or two before
19 I got it.
20 Q. And the first phone call was to
21 Derrick?
22 A. Nah. That's when I called -- I
23 called him to see what was up with him,
24 because I had his number. I didn't have

Page 78

1 no phone numbers in it. I had phone
 2 numbers written down on pieces of paper.
 3 And then I called Derrick.
 4 Q. My question is, was that the first
 5 phone call you made that day, on January
 6 4th, to call Derrick?
 7 A. That ain't the first call I made
 8 period. That's the first time I called
 9 Derrick.
 10 Q. Okay. Did you make any other phone
 11 calls on January 4th?
 12 A. Yeah. I called Kena Hall.
 13 Q. Can you spell the first name?
 14 A. K-e-n-a.
 15 Q. Hall, H-a-l-l?
 16 A. H-a-l-l.
 17 Q. When did you call Kena Hall?
 18 A. I called her prior, sometime a
 19 little after 11 o'clock.
 20 Q. And was that the first phone call
 21 you made that day?
 22 A. That might have been the first call
 23 and then I called him. Yeah. First
 24 called Kena Hall.

Page 80

1 Q. So you haven't spoke to Kena
 2 since --
 3 A. I haven't --
 4 Q. -- January 4th, 2001?
 5 A. Yeah. I haven't seen her. I was
 6 incarcerated.
 7 Q. Do you know where she lives?
 8 A. Back then she lived in the
 9 apartment building.
 10 Q. That apartment building meaning
 11 1628 North 55th Street.
 12 A. North 55th Street, exactly.
 13 Q. How did you know where she lived at
 14 that time?
 15 A. I was talking to her on the phone.
 16 Q. Did you talk to her before January
 17 4th?
 18 A. No. I got on the phone -- I didn't
 19 have a phone to call her. So when I got
 20 the phone I started calling my numbers.
 21 But I knew Kena was related to the guy
 22 that had the water ice stand. That's her
 23 brother, Hasheem. So I been known her,
 24 but I didn't have no phone to call.

Page 79

1 Q. Why did you call Kena Hall?
 2 A. I was trying -- because she lived
 3 down the street. I was trying to get to
 4 her sometime that afternoon. I was trying
 5 to get to her. That's the girl I was
 6 going to get with that day when I finally
 7 got that car. I was going to take her
 8 out. But I didn't have a vehicle to take
 9 her. That's what made me call Derrick to
 10 borrow his car.
 11 Q. Did Kena answer the phone when you
 12 called her?
 13 A. Yes.
 14 Q. What did you and she talk about?
 15 A. I told her I was coming to see her.
 16 I was coming to see her in a few. And she
 17 said, all right. I don't know, like, what
 18 the conversation verbatim after that.
 19 Q. When did you first meet Kena?
 20 A. I knew Kena for years. I known her
 21 for years.
 22 Q. When was the last time you spoke to
 23 Kena?
 24 A. That day.

Page 81

1 Q. So the first time you called Kena
 2 Hall after you got out of prison -- or
 3 after you got out of jail or whatever, was
 4 on January 4th, 2001?
 5 A. Yes.
 6 Q. And it was sometime around 11 a.m.
 7 or after 11 a.m. that morning?
 8 A. Yeah. It was before 12 -- before 1
 9 o'clock.
 10 Q. To tell her that you were going to
 11 come over and see her?
 12 A. I was going to come and see her. I
 13 was going to take her somewhere but I
 14 ain't have a car so that's what made me
 15 call Derrick.
 16 Q. Where were you going to take her?
 17 A. Somewhere private. I don't know,
 18 movies, something to eat, anywhere. I
 19 don't know -- to the diner.
 20 Q. Where did you get the money to go
 21 to the movies or get her something to eat?
 22 A. My family. My mom, my sisters.
 23 Q. So they gave you money to --
 24 A. Yeah. I had 200-something dollars.

Page 82

1 Q. So your mom and sisters gave you
2 200 --
3 A. Yeah --
4 Q. Wait, wait. Let me get my whole
5 question out.
6 A. All right. All right.
7 Q. You say your mom and sisters gave
8 you over \$200 in cash?
9 A. Yeah. Altogether they gave me, but
10 I still came home with money from working
11 inside. I came home with a check from the
12 work release -- the correctional work
13 release. I get paid in there, too. So I
14 came home with a check anyway. So I had
15 money.
16 Q. But you said your mom and
17 sisters --
18 A. They also a gave me money when I
19 came home.
20 Q. You're not letting ask my question.
21 A. I'm sorry.
22 Q. Did your mom and sisters give you
23 money --
24 A. Yes.

Page 84

1 A. Like, correctional --
2 Q. Wait until I finish the question.
3 A. Okay.
4 Q. The check is from the money you
5 earned while you were incarcerated?
6 A. Yes.
7 Q. And how much was that check?
8 A. That was only like a couple hundred
9 dollars.
10 Q. So you have this conversation with
11 Kena Hall that you're going to meet her
12 and take her somewhere; correct?
13 A. Yes.
14 Q. All right. And then after that
15 phone call is that when you called
16 Derrick?
17 A. Yes.
18 Q. Did you call anyone else --
19 A. No.
20 Q. -- on January 4th before you left
21 your house?
22 A. Nope.
23 Q. Did anyone call you on January 4th,
24 before you left your house?

Page 83

1 Q. -- when you got out?
2 A. Of course, yes.
3 Q. How much money did they give you?
4 A. They gave me a couple dollars -- a
5 couple hundred dollars. Like 50 -- like
6 add up together a couple hundred dollars.
7 Q. So all in your mom and sisters gave
8 you a couple of hundred dollars?
9 A. Like, altogether they might of gave
10 me 50, 75 -- something like that, 20, 30,
11 but it added up.
12 Q. Together --
13 A. Yeah. Together it added up to a
14 couple hundred dollars.
15 Q. When did they give you that money?
16 A. Probably couple of days when I got
17 out. A couple days after I got out.
18 Q. So in mid December?
19 A. Yeah. Probably not too long after
20 I came home. Probably when I came home,
21 because I need it. But I had a check,
22 too, though.
23 Q. And the check was from the money
24 you earned while you were in --

Page 85

1 A. Nope.
2 Q. And if I asked this I apologize.
3 Prior to January 4th, 2001 had you seen
4 Kena since you got out of jail?
5 A. Prior -- so before?
6 Q. Yeah. So before that day, January
7 4th, had you seen Kena since you got out
8 in December?
9 A. Yes. That's how I got the number
10 from her.
11 Q. Okay. How many times did you see
12 Kena between December 10th, 2000 and
13 January 4th, 2001?
14 A. Twice. At the water ice stand
15 right there.
16 Q. During one of those times is when
17 she gave you her number?
18 A. Her phone number.
19 Q. Had you ever visited her at her
20 apartment before January 4th, 2001?
21 A. Nope.
22 Q. When you saw her at the water ice
23 stand did she tell you where she was
24 living?

Page 86

1 A. Yes.
 2 Q. And where did she tell you she was
 3 living?
 4 A. She lived in the apartment down the
 5 street.
 6 Q. Did she tell you the actual
 7 address?
 8 A. She just pointed to it -- like
 9 pointed to it. I looked and she said she
 10 lived in a room -- it's a rooming house.
 11 Q. When she pointed to it could you
 12 see it from the water --
 13 A. Yeah.
 14 Q. Wait until I'm finished asking,
 15 please.
 16 When she pointed to it can you see
 17 it from the water ice stand on Hunter
 18 Street?
 19 A. Yeah.
 20 Q. So you walked to the barbershop and
 21 met with Derrick?
 22 A. Yes.
 23 Q. What did you and Derrick say when
 24 you met?

Page 88

1 the corner there?
 2 A. It was a little after two.
 3 Q. Where did Derrick drive the car to?
 4 A. 61st and Lansdowne Road.
 5 Q. Do you remember what route he took?
 6 A. 55th, Hunter. He went through
 7 little blocks to get there. He went -- he
 8 came towards Hunter Street, make a left on
 9 Hunter. And he went through the little
 10 blocks to get to Lansdowne Road.
 11 Q. All right. He makes a left on
 12 Hunter and then --
 13 A. He goes straight up Hunter to the
 14 corner and then make the right and goes up
 15 the other little blocks.
 16 Q. When you say, little blocks --
 17 A. Yeah. It's, like, different
 18 blocks. It's three or four different
 19 blocks. It's only, like, two of them you
 20 can go up, like Havertown -- Havertown you
 21 can go up, I believe.
 22 Q. Did you guys make any stops between
 23 55th and Lansdowne and 61st and Nassau?
 24 A. Nope.

Page 87

1 A. We just talked. I said I need the
 2 car for a few. He said, cool, drop me
 3 off. And I dropped him off.
 4 Q. All right. Who drove the car?
 5 A. He did.
 6 Q. Where was the car parked?
 7 A. Like, right there across the street
 8 from the barbershop, on the corner of 55th
 9 and Lansdowne -- right off of Lansdowne on
 10 56th.
 11 Q. So it was on 55th --
 12 A. It was on 56th.
 13 Q. -- on 56th Street near the
 14 intersection with Lansdale?
 15 A. Yeah. Across from the barbershop.
 16 Q. Or Lansdowne. Sorry.
 17 So you got in it as well as
 18 Derrick. Derrick's in the driver's seat?
 19 A. Yes.
 20 Q. Where did you sit?
 21 A. Passenger.
 22 Q. Was there anyone else in the car?
 23 A. No.
 24 Q. What time did Derrick and you leave

Page 89

1 Q. What happened when you got to 61st
 2 and Nassau?
 3 A. He got out and went inside.
 4 Q. He got out the car and went inside?
 5 A. Yes.
 6 Q. Which apartment did he go inside
 7 to?
 8 A. There's three apartments. He went
 9 in the first building right on the corner.
 10 He had to cross the street -- like on
 11 across the street.
 12 Q. Then what did you do?
 13 A. I drove off.
 14 Q. Were you on Nassau or were you on
 15 61st?
 16 A. I was on -- I was still on Nassau
 17 coming down.
 18 Q. All right. So you're on Nassau.
 19 Where do you go?
 20 A. I come back down to 55th and
 21 Hunter.
 22 Q. How did you get back from 61st and
 23 Nassau and 55th and Hunter?
 24 A. I came all the down until I hit

Page 90

1 Lansdowne and then came down Lansdowne and
 2 then back on 55th past the barbershop.
 3 Q. Did you go down 61st and --
 4 A. I went --
 5 Q. -- Lansdowne?
 6 A. -- straight down Lansdowne and then
 7 make the left, and come down to Lansdowne
 8 to 56th and make another left and I parked
 9 on the corner of 55th and Hunter on the
 10 side of the apartment building.
 11 Q. What time did you drop Derrick
 12 off -- or I should say -- strike that --
 13 what time did Derrick get out of the car.
 14 A. I know it wasn't no 3 o'clock yet.
 15 So it was before. It was before 3
 16 o'clock. It was a little after two. It
 17 wasn't 3 o'clock. I wasn't nowhere near
 18 there yet. It was still early.
 19 Q. So sometime between 2:15 and --
 20 A. Something --
 21 Q. -- 3 o'clock?
 22 A. -- like that. Like 2:15, two --
 23 something like that. It was still early.
 24 Because I left, like, 2:30 or

Page 92

1 A. Yeah. But I'm on Hunter, though.
 2 Q. That's what I want to know.
 3 A. Yeah. I'm on Hunter.
 4 Q. So you came -- basically, you went
 5 up 55th Street, made a left on Hunter --
 6 A. On Hunter.
 7 Q. Did you park on the right or the
 8 left-hand side?
 9 A. Left. Right on the same side of
 10 the building.
 11 Q. Right next to the building?
 12 A. Next to the building.
 13 Q. Did you stop anywhere between 61st
 14 and Nassau and 55th and Hunter?
 15 A. Nah. Nope.
 16 Q. What time did you park the car at
 17 55th and Hunter?
 18 A. I don't remember the exact time.
 19 It wasn't too far. I don't know the exact
 20 time I parked there, but as soon as I
 21 pulled up and seen that building I went
 22 straight there, 55th and Hunter and I
 23 parked.
 24 Q. Then after you parked the car what

Page 91

1 something like that. It was early.
 2 Q. So you think he got out of the car
 3 around 2:30?
 4 A. I know it was before -- I know it
 5 was two-something. I don't know the exact
 6 time, but around there.
 7 Q. When you say around there are you
 8 talking about 2:30?
 9 A. Yeah. Around, like, 2:15, 2:30,
 10 2:20. Around that time.
 11 Q. Okay. And what time did you arrive
 12 back at 55th and Hunter?
 13 A. Not too long from dropping him off.
 14 Q. Did you park on 55th Street or did
 15 you park on Hunter?
 16 A. I parked right on the corner of the
 17 apartment building, 55th and Hunter, right
 18 there on the corner.
 19 Q. Right. But on 55th or on Hunter?
 20 A. On Hunter. I'm on Hunter. But I'm
 21 not on Hunter with the water ice. I'm on
 22 Hunter next to the building. I'm across,
 23 like, right there.
 24 Q. I understand.

Page 93

1 did you do?
 2 A. I went to my grandmom house. My
 3 grandmother lived right across the street
 4 from that building remember.
 5 Q. Do you remember her address at that
 6 time?
 7 A. I think it's 1655 North 55th
 8 Street. I know it's 16-something. I know
 9 it sits exactly across from that building.
 10 Q. How long has your grandmother lived
 11 there?
 12 A. She was living there since the
 13 early '90s. She be living there prior to
 14 that -- over ten years, because she still
 15 was there when I was incarcerated.
 16 Q. Is that where she was living when
 17 she passed away?
 18 A. She moved. She was living in
 19 Sharon Hill when she died.
 20 Q. Why did she move to Sharon Hill?
 21 A. I don't know. I think my
 22 grandfather bought a house -- because my
 23 grandfather came and he bought a house out
 24 in Sharon Hill.

Page 94

Page 95

1 Q. Was your grandmom living with your
2 grandfather --

3 A. At the time.

4 Q. -- in January 2001?

5 A. I don't know if he was living there
6 yet. Was he there? He might have been
7 there. He was in the wheelchair. He
8 might have been there. I ain't sure if he
9 was still living there or he just moved
10 there.

11 Q. Okay. Were they not living
12 together for a period of time?

13 A. No. Because he used to live in
14 Bucks County. He wanted to sell the house
15 at Levittown, PA. So he wind up coming
16 here. So I don't know if he was staying
17 there at the time, because he had a house
18 in Levittown, PA.

19 Q. How come your grandfather didn't
20 live with your grandmother?

21 A. I don't know. I guess they didn't
22 get along. I don't know.

23 Q. But then --

24 A. She was staying at 55th Street with

1 my cousin Rashare (sp) Torain. They was
2 staying there. I don't know if he was
3 staying there at that time. I'm not sure,
4 because I know he lived in Bucks County.

5 Q. All right. So you go and visit
6 your grandmom. Which apartment did she
7 live in?

8 A. She lived in -- that's a house.

9 Q. Oh, she lived -- she had the whole
10 house?

11 A. She had the whole house. She was
12 renting it. She didn't own it. She was
13 renting.

14 Q. Oh, she rented?

15 A. Yeah.

16 Q. Do you know who she was renting it
17 from?

18 A. Reverend Cruz (sp). He still owns
19 the house, but nobody lives in the house.
20 He still owns it.

21 Q. What's his name?

22 A. Reverend -- I know him as Reverend
23 Cruz. Reverend Cruz.

24 Q. Does he have a church?

Page 96

Page 97

1 A. I ain't sure.

2 Q. Is he a reverend or is that his
3 first name?

4 A. That's his name. They call him
5 Reverend Cruz.

6 Q. You don't know whether --

7 A. I don't know if he has a church. I
8 ain't sure.

9 Q. Do you know where he lives?

10 A. No. I know he owns that -- I know
11 he owned that house -- what I think is
12 back of the house, somebody owned all
13 that. He still owns the house, but nobody
14 lives in the house.

15 Q. So this house that your grandmom
16 was living in was actually on the
17 corner --

18 A. Yeah.

19 Q. -- of 55th and Hunter as well --

20 A. Yeah.

21 Q. -- but across the street --

22 A. Across the street.

23 Q. -- from 1628?

24 A. Exactly across the street.

1 MR. GONZALES: Are you all
2 right? I know we're --

3 THE COURT REPORTER: It's
4 tough.

5 MR. GONZALES: Yeah.

6 You're interrupting me. You've
7 got to wait until I finish asking
8 the question. All right?

9 THE WITNESS: All right.

10 MR. GONZALES: I know I'm
11 going fast, but you've got to
12 wait.

13 BY MR. GONZALES:

14 Q. What time did you go in to visit
15 your grandmom?

16 A. I don't know the exact time. It
17 was still around that time. It's still
18 like -- I went in there briefly and came
19 back out, then I walked to my house.

20 Q. Yeah. But what time did you go in
21 to visit your grandmom?

22 A. Like two-something. It was early.
23 It was still around a little after two.

24 Q. Okay. You said before you think

Page 98

1 you got to 55th and Hunter around 2:20 or
2 2:30?

3 A. Yeah.

4 Q. So is that the same time you would
5 have gone in to see your grandmom?

6 A. As soon as I parked the car I went
7 to my grandma house. I was only there
8 briefly.

9 Q. So that would have been around --

10 A. Around that time.

11 Q. -- you're interrupting me.

12 A. Okay.

13 Q. So that would have been around 2:20
14 or 2:30?

15 A. Right. Around that time. The time
16 I parked.

17 Q. Did you stop anywhere from the time
18 you parked your car until you went inside
19 your grandmom's house?

20 A. No.

21 Q. So you walked directly to your
22 grandmom's house?

23 A. Yes.

24 (Discussion was held off

Page 99

1 the record.)

2 (Whereupon, a brief recess
3 was taken.)

4 BY MR. GONZALES:

5 Q. When you got to your grandmom's
6 house did you walk right in or did you
7 knock?

8 A. I knocked on the door. I don't
9 have a key.

10 Q. Do you have a key to the house?

11 A. No. I knocked on the door. I had
12 no key.

13 Q. Oh, you didn't have a key?

14 A. No. I didn't have a key.

15 Q. Was your grandmom home?

16 A. Yes.

17 Q. Did she answer the door?

18 A. Yes.

19 Q. What happened when she answered the
20 door?

21 A. I don't know. I went in there and
22 just spoke to her and gave her a hug and
23 then went right back out and walked to
24 my --

Page 100

1 Q. How long were you in your
2 grandmom's house?

3 A. About five minutes, if that.

4 Q. Did she give you anything?

5 A. Nah.

6 Q. Did you give her anything?

7 A. No.

8 Q. By the way, during the time that
9 you were driving back did you make any
10 phone calls on our cell phone?

11 A. No.

12 Q. Did anyone call you?

13 A. No.

14 Q. While you were riding as a
15 passenger in the car when Derrick was
16 driving did you make any calls on your
17 cell phone?

18 A. No.

19 Q. Did anyone call you?

20 A. No.

21 Q. Did you have your cell phone with
22 you?

23 A. Yes.

24 Q. After you spent about the five

Page 101

1 minutes visiting with your grandmom what
2 did you do?

3 A. I walked to the street to my house.

4 Q. And you're referring to 16 --

5 A. 21 --

6 Q. Wait, wait, wait.

7 Are you referring to 1621 North
8 Conestoga?

9 A. Yes.

10 Q. Tell me how you got there.

11 A. I walked. It was right up the
12 street.

13 Q. So you walked down Hunter?

14 A. I walked up Hunter.

15 Q. Or whatever it is.

16 A. Yeah.

17 Q. Up Hunter?

18 A. Yeah.

19 Q. Make a right.

20 A. And walked right up Hunter on the
21 corner -- like the second house on the
22 corner.

23 Q. Okay. Either way, you had to make
24 a right --

Page 102

1 A. Yeah, yeah. You had to turn to go
2 on the block. Yeah.
3 Q. Okay. What time did you arrive
4 back at your house?
5 A. By this time it was probably, like,
6 two four -- probably a little after 2:30,
7 like 2:40 or something like that. Around
8 that time.
9 Q. Did you make any stops between your
10 grandmom's house and your house on North
11 Conestoga?
12 A. No.
13 Q. All right. So you didn't talk to
14 the --
15 A. Water ice man?
16 Q. Wait.
17 You didn't talk to the water ice
18 man?
19 A. Not that time, no.
20 Q. You didn't see any friends or
21 buddies on the street?
22 A. No.
23 Q. All right. So you go to your
24 house.

Page 104

1 Q. Do you know what his last time was?
2 A. No. I didn't even know. I didn't
3 know it was her boyfriend. I'm seeing him
4 at my mom's house a couple of times.
5 Q. Had he been at the house before --
6 A. Previous.
7 Q. -- had he been at the house before
8 that day?
9 A. Yeah.
10 Q. But you used the term it was
11 Tamika's boyfriend --
12 A. Yeah. Tamika's boyfriend.
13 Q. -- so was he her boyfriend?
14 A. At the time it was her boyfriend.
15 She was messing with him. Yeah.
16 Q. Okay. Then which niece was home?
17 A. I think Briana. It might have been
18 Briana.
19 Q. And your mom you said was home?
20 A. My mom was there.
21 Q. What did you do when you -- strike
22 that. You said you called Kena?
23 A. I called Kena.
24 Q. Did you talk to your mom or your

Page 103

1 What do you do when you get to your
2 house?
3 A. I went in my house -- I went in my
4 house and my sister was in there --
5 Tamika. Her boyfriend was in there, my
6 niece, my mom. Then I went in there and I
7 called Kena Hall. I called Kena.
8 Q. By the way, does Derrick or did
9 Derrick have any type of criminal record,
10 to your knowledge?
11 A. I'm not sure. I'm not sure. I
12 seen Derrick -- I seen Derrick since I
13 came home. I didn't see him -- I seen him
14 in the '90s, but I never known him to be
15 locked up -- do no time. I don't know if
16 he did any time or not. I don't know.
17 I'm not sure.
18 Q. Okay. So your sister Tamika was
19 home --
20 A. Yeah.
21 Q. -- with her boyfriend?
22 A. Her boyfriend was there. His name
23 was LB or something like that. That's all
24 I know. I just know his name was LB.

Page 105

1 sister or --
2 A. I might have talked to Tamika. I
3 mean she was going to bingo. She was
4 going to bingo later on that day. She
5 always went to bingo on Thursdays. She
6 was talking about going to bingo that day.
7 Yeah.
8 And I called Kena.
9 Q. Did you talk to your mom before you
10 called Kena?
11 A. Yes.
12 Q. All right. So you called Kena and
13 what did you say to Kena?
14 A. Kena ain't pick up the phone. I
15 called back again and she ain't answering.
16 Q. So you called her two times?
17 A. Two times, and she ain't pick up.
18 Q. Did you leave her a message?
19 A. No.
20 Q. All right. Then what did you do?
21 A. I called Derrick and said, she
22 ain't answering the phone I'm bringing
23 your car back.
24 Q. Did he answer?

Page 106

1 A. Yeah.
 2 Q. What did he say in response?
 3 A. He said, all right, cool.
 4 Q. What did you do next?
 5 A. I walked back down the street and
 6 got in the car and drove back to Nassau.
 7 Q. How long were you at your house
 8 before you left?
 9 A. Not long. I wasn't there that
 10 long. I wasn't there that long.
 11 Q. When you say not long --
 12 A. About ten, 15 minutes, if that. It
 13 wasn't that long. Once I called twice and
 14 she didn't answer I left.
 15 Q. What time did you leave?
 16 A. Like two-something, close to three,
 17 something like that.
 18 Q. So, again, I'm just looking at what
 19 you said before.
 20 A. Yeah.
 21 Q. You believe you walked back to your
 22 house around 2:40 p.m.
 23 A. I said around then. I'm not
 24 specifically sure.

Page 108

1 the time I got there. I was there about
 2 ten minutes, if that.
 3 Q. Okay. So --
 4 A. I wasn't in there that long.
 5 Q. But I'm trying to find out what
 6 time on the clock you left your house?
 7 A. I don't know. I ain't check the
 8 clock. I don't know the exact time. I
 9 ain't check the clock. I know it was
 10 around that 10 minutes or something around
 11 that time. I don't know the exact time I
 12 left. I ain't look at the clock every
 13 time I left.
 14 Q. Can you estimate for me what time
 15 you left?
 16 A. I'm not sure. I know I was in
 17 there for ten minutes or something like
 18 that. I said I made the call. She didn't
 19 answer. Called again. She didn't answer
 20 and then I called Derrick. I don't know
 21 exactly.
 22 Q. Did you do anything else while you
 23 were home other than what you testified
 24 to?

Page 107

1 Q. I know that. But assuming that
 2 that's true, that it was around 2:40 when
 3 you went to your house. And you said you
 4 stayed in your house for about ten to 15
 5 minutes. Would it mean you left your
 6 house around 3 o'clock, ten of three,
 7 somewhere in that range?
 8 A. Before --
 9 Q. If you remember.
 10 A. I ain't remember the exact time. I
 11 know it was near for a minute I made the
 12 calls and then I left. I don't remember
 13 the exact times or exact times. I don't
 14 know the exact time. I know I went in
 15 there and I was in there for a little bit
 16 and I made the phone calls. I don't know
 17 the exact time. And I left -- I left
 18 right away. But I called him first to
 19 tell him I was bringing his car back. So
 20 he's got to come back out -- he's got to
 21 come outside to get his car.
 22 Q. What time did you leave your house?
 23 A. About ten or 15 -- like, ten
 24 minutes after or something like that by

Page 109

1 A. That's it.
 2 Q. Did you get anything to eat while
 3 you were at home?
 4 A. Nope.
 5 Q. Did you get anything to drink while
 6 you were at home?
 7 A. Nope.
 8 Q. Did you pick up anything or take
 9 anything from your house when you were
 10 home?
 11 A. No.
 12 Q. All right. So you left your house.
 13 Did you walk directly to your car?
 14 A. I walked straight down Hunter
 15 Street, got in the car and drove off.
 16 Q. Did you stop anywhere along the
 17 way?
 18 A. Nope.
 19 Q. What did you have on you at the
 20 time you left your house?
 21 A. I had a Nextel cell phone, house
 22 keys. I had the Bonneville keys, and I
 23 had money. That's it.
 24 Q. The house keys -- what house keys

Page 110

1 did you have?
 2 A. 1621.
 3 Q. So how many keys were -- were they
 4 on a key ring of some sort?
 5 A. They was on a key ring. The
 6 Bonneville had their own set of keys.
 7 Q. All right. So on the key ring that
 8 you had the house key to 1621, were there
 9 any other keys on that house ring?
 10 A. No. There were only two keys.
 11 Q. So there were two keys on that one
 12 and both of them were to 1621?
 13 A. Yeah. Yep.
 14 Q. Can you describe the keys? Were
 15 there anything out of the ordinary about
 16 them?
 17 A. Regular keys.
 18 Q. On the Bonneville keys, were they
 19 on a key chain?
 20 A. It was on a key chain, like a
 21 Bonneville -- yeah. It was the Bonneville
 22 key and a couple other keys was on there.
 23 Q. Right. Were they on the key ring?
 24 A. Yeah. Like a key ring. Yeah.

Page 112

1 Q. Did you have that -- how did you
 2 have that on you -- in a wallet or --
 3 A. I ain't have no wallet. I just had
 4 it folded up. I ain't have no wallet.
 5 Q. Did you have a driver's license?
 6 A. No. I didn't have driver's ID -- I
 7 had no license. I had ID though -- a
 8 picture ID.
 9 Q. But my question is did you have a
 10 driver's license?
 11 A. No. I ain't have no driver's
 12 license.
 13 Q. So you didn't have a driver's
 14 license on you; correct?
 15 A. I ain't have a driver's license,
 16 period.
 17 Q. Right. That' my next question.
 18 But at the time you left your house did
 19 you have a driver's license on you?
 20 A. No.
 21 Q. All right. And did you have a
 22 valid driver's license at all on that day?
 23 A. No.
 24 Q. Had you had a valid driver's

Page 111

1 Q. Okay. So how many keys were on
 2 that key ring?
 3 A. I don't know. It might have been a
 4 few probably on that. Hmm-mm.
 5 Q. Can you describe the key ring, what
 6 color it was?
 7 A. Nah. I ain't know what color the
 8 key ring. I don't remember no color the
 9 key ring.
 10 Q. Did it have any type of emblem or
 11 anything? You know some car keys will
 12 have like a car emblem on it.
 13 A. I don't think they did. I know the
 14 initial key had like a square back to it.
 15 I ain't look at the other key.
 16 Q. All right. How about your home
 17 keys, did they -- the key ring, did it
 18 have anything on the key ring itself other
 19 than the keys?
 20 A. Them keys they was just like two
 21 round keys.
 22 Q. All right. How much money did you
 23 have on you?
 24 A. Like \$230, something like that.

Page 113

1 license at some point before January
 2 4th --
 3 A. No.
 4 Q. Wait you're interrupting.
 5 Had you had a valid driver's
 6 license at any time before January 4th,
 7 2001?
 8 A. Nope.
 9 Q. Do you have a valid driver's
 10 license today?
 11 A. Yes.
 12 Q. When did you first get a valid
 13 driver's license?
 14 A. When I came home in 2014.
 15 Q. Now, you said on January 4th, 2001
 16 you had some type of ID?
 17 A. I had identification on me, yeah.
 18 Like ID. A regular ID with my name and
 19 address.
 20 Q. Okay. What do you mean a regular
 21 ID?
 22 A. A regular ID I can cash checks with
 23 and stuff like that.
 24 Q. Was it a state ID?

Page 114

1 A. I don't remember no state.
 2 Whatever type of ID that's given out back
 3 then which you were allowed to get. It
 4 wasn't no license or none of that. I had
 5 a identification that says that's you with
 6 your address and all that on it.
 7 Q. Where did you get it from?
 8 A. I don't know exactly where I got it
 9 from, but I had to go get it, because I
 10 had the parole agent made me go get proper
 11 ID and all. If you walking around you got
 12 to have ID if the police pull you over.
 13 Q. Okay. So the parole officer told
 14 you --
 15 A. Yeah. I had to --
 16 MR. PILEGGI: You're
 17 talking over each other.
 18 THE WITNESS: Okay.
 19 BY MR. GONZALES:
 20 Q. Let me ask it again.
 21 Did you get the ID because your
 22 parole officer told you to get one?
 23 A. Yes.
 24 Q. What office, department or agency

Page 116

1 A. Nope.
 2 Q. Did your grandmother testify at
 3 your criminal trial?
 4 A. Nope.
 5 Q. Did Derrick testify at your
 6 criminal?
 7 A. I haven't seen Derrick.
 8 Q. Did Derrick testify at your
 9 criminal trial?
 10 A. No. No, he didn't.
 11 Q. Did Tamika testify at your --
 12 A. No.
 13 Q. -- criminal trial?
 14 You're interrupting me.
 15 A. Okay.
 16 Q. Did Tamika testify at your criminal
 17 trial?
 18 A. No.
 19 Q. Did your niece testify at your
 20 criminal trial?
 21 A. No.
 22 Q. Did Tamika's boyfriend testify at
 23 your criminal trial?
 24 A. No.

Page 115

1 did you get that ID from?
 2 A. I can't remember. I can't remember
 3 exactly where I got that ID from. It was
 4 a legitimate ID, but I don't know where I
 5 got it from.
 6 Q. Did you get it from probation and
 7 parole?
 8 A. Nah.
 9 Q. Did you get it from a State office
 10 building?
 11 A. Like an office building or
 12 something. Yeah.
 13 MR. PILEGGI: You can get
 14 them from the DMV.
 15 BY MR. GONZALES:
 16 Q. All right. So you walked back to
 17 the car and then what did you do?
 18 A. I drove off.
 19 Q. At any point before you drove off
 20 did you go into the apartment building
 21 where Kena was living?
 22 A. Nope.
 23 Q. Did Kena testify at your criminal
 24 trial?

Page 117

1 Q. Did your grandmother testify at
 2 your criminal trial?
 3 A. No.
 4 Q. And you had a criminal trial? You
 5 didn't plea; correct?
 6 A. I went to trial. Yeah, of course.
 7 Q. All right. So you get back to your
 8 car and you said you drove back to 61st
 9 and Lansdowne -- no, 61st and -- what was
 10 it?
 11 A. Nassau Road.
 12 Q. Did you make any stops along the
 13 way?
 14 A. No.
 15 Q. What time did you arrive at 61st
 16 and Nassau?
 17 A. I don't know the exact time I
 18 pulled up to 61st and Nassau. I pulled
 19 up, parked the car. When I got out that's
 20 when Officer Reynolds and a bunch of
 21 police uniforms say, freeze, put your
 22 hands up.
 23 Q. When did you first notice the
 24 police officers or police cars?

Page 118

1 A. When I was getting out of the car.
 2 Q. So you did not notice them before
 3 you stopped?
 4 A. I never seen them. There was
 5 nobody there.
 6 Q. Where was Officer Reynolds when you
 7 first noticed him?
 8 A. In front of me.
 9 Q. Okay. Do you know how he got
 10 there?
 11 A. He pulled up.
 12 Q. Did you see him -- that's what I'm
 13 asking.
 14 A. Yeah. Okay.
 15 Q. Did you see pull up in a car?
 16 A. Yeah.
 17 Q. Did he pull up in the car before
 18 you got out of your car?
 19 A. I was out the car first.
 20 Q. That's what I'm asking.
 21 A. Yeah. All right.
 22 Q. Did you see any other police cars
 23 pull up before you got out of your car?
 24 A. No.

Page 120

1 or not.
 2 Q. Did he have any markings on
 3 anywhere that said, police?
 4 A. No. Not that I remember.
 5 Q. Do you remember what colors the
 6 clothes were that he was wearing?
 7 A. Nope.
 8 Q. Was he wearing a hat?
 9 A. I don't remember that.
 10 Q. Did he have any facial hair?
 11 A. I don't remember that either.
 12 Q. How tall was he?
 13 A. He was short.
 14 Q. Shorter than you?
 15 A. Yes. I was taller than him.
 16 Q. How tall are you?
 17 A. About five eleven, six, something
 18 like that.
 19 Q. Did Officer Reynolds say anything
 20 to you?
 21 A. Yes.
 22 Q. What did he say?
 23 A. He said where you live at.
 24 Q. Was this before or after you were

Page 119

1 Q. How many officers were there after
 2 you got out of your car?
 3 A. It was a lot of them. A lot of
 4 uniform -- a lot of uniform officers.
 5 Q. Were any of the uniform officers
 6 saying or doing anything?
 7 A. Yes.
 8 Q. What were they saying?
 9 A. He was the one putting the
 10 handcuffs on me.
 11 Q. Okay. You say you saw Officer
 12 Reynolds. Can you describe what was he
 13 wearing?
 14 A. He was in plain clothes. I know he
 15 had the glasses. He had glasses on him.
 16 That's it. I know he was in plain
 17 clothes.
 18 Q. When you say plain clothes --
 19 A. Like clothes -- like, he wasn't in
 20 uniform.
 21 Q. Okay. Did he appear to have any
 22 badge on a necklace of any kind or a
 23 lanyard?
 24 A. I can't remember if he had that on

Page 121

1 in handcuffs?
 2 A. This is while I'm in handcuffs.
 3 Q. All right. So let's go backwards
 4 then. So you get out of your car. You
 5 see police officers. And tell me what
 6 happens?
 7 A. I get out the car. As I was
 8 getting out the car, before I close the
 9 door Police Officer Reynolds and the other
 10 police officers said, freeze, put your
 11 hands up. And I went like this. And
 12 they --
 13 Q. You held -- I'm sorry to
 14 interrupt -- but you held your hand out in
 15 front of you.
 16 Did they have their guns drawn?
 17 A. They had their guns drawn.
 18 Q. All right. Just so the record is
 19 clear?
 20 A. They had their guns drawn.
 21 Q. All right. Go ahead. Pick it up
 22 from there. I'm sorry.
 23 A. They said, freeze, put your hands
 24 up, and I went like this. Then Reynolds

Page 122

1 and one of the uniform officers came up
2 and they shut the door -- the driver's
3 side door. The uniform officer is putting
4 the handcuffs on me. And he said what
5 does he think -- the uniform officer asked
6 Officer Reynolds, what is he being
7 arrested for? And Reynolds told him
8 narcotics violations. And Reynolds'
9 associate took all my stuff off me and he
10 asked me where I lived at.

11 Q. What did you say?

12 A. I told him 1621 North Conestoga
13 Street.

14 Q. Did he say anything in response to
15 that?

16 A. Nope.

17 Q. When you say he took the things off
18 of you, what did he take off of you?

19 A. He took the keys -- the keys I had,
20 the money, the phone. And that's it.

21 Q. What about the ID?

22 A. He took -- I had the ID, too. He
23 took the ID.

24 Q. Anything else?

Page 124

1 A. I'm ain't sure his weight and built
2 and all that.

3 Q. Did he have a beard?

4 A. I ain't sure.

5 Q. Did he have glasses?

6 A. I can't remember if he had glasses.

7 Q. Do you remember his name at all?

8 A. No.

9 Q. When Officer Reynolds asked you
10 where you lived, had you already been
11 handcuffed?

12 A. Yes.

13 Q. And where were you physically
14 standing at the time?

15 A. The car was parked here. So they
16 took me across the street from where the
17 car was parked. I was on this corner of
18 this pavement right here with the uniform
19 officer and Reynolds. The other officers
20 was still out there but they was just in
21 the area right there.

22 Q. You just described things with your
23 hands. We just have to make sure --

24 A. Oh, excuse me.

Page 123

1 A. Nope.

2 Q. Who actually physically searched
3 you or patted you down?

4 A. Reynolds.

5 Q. Did any of the uniform officers pat
6 you down?

7 A. No. No.

8 Q. Whose handcuffs did they use? In
9 other words, was it one of the uniform
10 officer's handcuffs or Reynolds?

11 A. I think the uniform, because he's
12 the one putting the cuffs on. The uniform
13 was the one putting the cuffs on. He's
14 actually the one who asked what I was
15 being locked up for.

16 Q. Can you describe the uniform
17 officer that put you in handcuffs?

18 A. He's black. I know that. That's
19 it. I don't know how he looked.

20 Q. Was he taller than you?

21 A. Yeah. He's a little taller than
22 me.

23 Q. Did he weigh as much as you or was
24 he thinner?

Page 125

1 Q. No, that's all right. We have to
2 make sure it's on the record. So you tell
3 me if I'm accurate.

4 The way you described it was you
5 parked your car and then -- on the
6 right-hand side of the street.

7 A. Yes.

8 Q. Then they took you across the
9 street to the left.

10 A. Yes.

11 Q. And that's where Reynolds talked to
12 you.

13 A. Yes.

14 Q. Did Reynolds ask you anything else?

15 A. Nope.

16 Q. Did Reynolds say anything else that
17 you could hear at the scene?

18 A. Nope.

19 Q. Did any of the other officers say
20 anything that you could hear at the scene?

21 A. Nope.

22 Q. Could you hear anything being said
23 over police radio while you were there?

24 A. Nah.

Page 126

1 Q. Did you say anything else to the
2 officers at the scene?
3 A. Nah.
4 Q. Did you ask any questions?
5 A. Nope.
6 Q. Did you say, I didn't do it?
7 A. They didn't ask any of that.
8 Q. I didn't ask you that. I said did
9 you say that?
10 A. I didn't say nothing.
11 Q. Okay. How long were you at the
12 scene before they put you in the patrol
13 car?
14 A. Not long. They put me in the back
15 of the paddy wagon. Because the wagon
16 wasn't there at first.
17 Q. So how long were you there before
18 they put you in the back of the wagon?
19 A. Not long.
20 Q. When you say, not long, what do you
21 mean?
22 A. It was less -- it wasn't no half an
23 hour or no hour. It was short. It wasn't
24 that long.

Page 128

1 A. Briefly I was out there.
2 Q. All right. So what time were you
3 arrested?
4 A. I don't know the exact time I was
5 arrested.
6 Q. How about there approximate time?
7 MR. PILEGGI: 3:30.
8 MR. GONZALES: No, no, no.
9 I'm not asking you, counsel. I'm
10 asking your client.
11 THE WITNESS: I don't know
12 the exact time.
13 BY MR. GONZALES:
14 Q. After you were put in the back of
15 the wagon was there anybody in the wagon,
16 by the way?
17 A. Nope.
18 Q. Where did you go from there?
19 A. They took me to 52nd and Warren.
20 Q. What's there?
21 A. It's a block. Like, a church. I
22 think it was a church out there at the
23 time.
24 Q. What happened when you got there?

Page 127

1 Q. Less than a minute?
2 A. It was longer than a minute.
3 Q. Five minutes?
4 A. Probably a little bit long -- it
5 wasn't long, because the paddy wagon
6 pulled right up.
7 Q. I'm trying to find out how long.
8 So ten minutes?
9 A. Give or take. I know it wasn't
10 that long before the paddy wagon came. So
11 I wasn't out there for no hours or
12 anything like that. It was short.
13 Q. Right. That's what I'm trying to
14 find out. So it wasn't hours. It was
15 short?
16 A. It was less than a half hour. It
17 was like -- it wasn't like a minute, but
18 not more than five -- it might have been a
19 little bit longer than five minutes.
20 Q. All right. So longer than five
21 minutes.
22 A. But shorter than a half an hour.
23 It wasn't no, like, 30 minutes.
24 Q. Okay.

Page 129

1 A. I just sat there.
2 Q. How long?
3 A. Not that long. They drove off and
4 started running around -- driving around
5 locking people up.
6 Q. So you physically were riding and
7 went back to 52nd and Warren.
8 A. And Warren.
9 Q. And you stayed there for not very
10 long, you said; is that correct?
11 A. Not very long.
12 Q. All right. And could you hear
13 anything being said by anybody?
14 A. No.
15 Q. Was anyone else in the wagon at the
16 time?
17 A. I was by myself.
18 Q. All right. And you couldn't hear
19 anything over the police radio?
20 A. No.
21 Q. And could you hear anything that
22 the police who was in the front was
23 saying?
24 A. No.

Page 130

1 Q. All right. Then what happened?
 2 A. Let's back this up a little bit. I
 3 see the person on Nassau Road. Police
 4 Officer Walker pulled off in that
 5 Bonneville.
 6 Q. Okay.
 7 A. Walker was there. Walker was
 8 there, too.
 9 Q. All right. Let's go back then.
 10 A. Yeah. Let's go back.
 11 Q. I thought I asked you everything
 12 that happened. But if we missed it let's
 13 go over it.
 14 A. Yeah.
 15 Q. So when did Officer Walker -- when
 16 did you see Officer Walker?
 17 A. When the Bonneville pulled off. He
 18 drove off in that Bonneville.
 19 Q. Before the Bonneville pulled
 20 away --
 21 A. I was still out there.
 22 Q. Wait, wait, wait.
 23 A. Excuse me.
 24 Q. I mean some of the questions you

Page 132

1 A. I learned later. I never knew him.
 2 Q. So you just saw somebody pull off
 3 in the Bonneville?
 4 A. Bonneville.
 5 Q. A black police officer?
 6 A. Black one, yeah.
 7 Q. Or someone?
 8 A. Yeah.
 9 Q. Was he in uniform?
 10 A. Plain clothes.
 11 Q. Can you describe what he looked
 12 like?
 13 A. He was kind of -- he was tall.
 14 Light brown. He had -- this guy he had
 15 dreads in his hair or something. Dread
 16 locks or something.
 17 Q. Where were you when you saw Walker
 18 pull away?
 19 A. On the corner still.
 20 Q. So you had nor --
 21 A. I never left -- excuse me.
 22 Q. So you said you were on the corner.
 23 Were you in handcuffs?
 24 A. Yes.

Page 131

1 think I'm going to ask you are better than
 2 the ones I actually ask you and I
 3 appreciate that, but you've got to wait.
 4 Where -- when did you see Walker
 5 for the first time at the location where
 6 you were arrested?
 7 A. 63rd and Nassau Road. Driving off
 8 in the Bonneville.
 9 Q. All right. So you did not see him
 10 first arrive on scene; is that correct?
 11 A. No.
 12 Q. You didn't see where he came from?
 13 A. Nope.
 14 Q. You didn't hear him speaking to
 15 Reynolds?
 16 A. No.
 17 Q. And you didn't hear Reynolds say
 18 anything to him?
 19 A. No.
 20 Q. Did you recognize him at the
 21 time --
 22 A. No.
 23 Q. -- or you learned later that was
 24 Walker?

Page 133

1 Q. All right. You had not been taken
 2 back to the wagon yet; correct?
 3 A. Nope.
 4 Q. Had Reynolds already asked you
 5 where you lived or had he not asked you
 6 that question yet when you first saw
 7 Walker pull away?
 8 A. He asked me that before Walker.
 9 Q. And did you physically see Walker
 10 get in the Bonneville?
 11 A. No.
 12 Q. You just noticed it when it was
 13 pulling away?
 14 A. When he pulled away.
 15 Q. All right. Did you see what
 16 direction he was pulling the car away in?
 17 A. Down 61st.
 18 Q. All right. It was basically
 19 traveling the same direction you parked
 20 in?
 21 A. Parked in.
 22 Q. Did anything else happen where you
 23 were arrested other than what you've
 24 testified to?

Page 134

1 A. That's it.
 2 Q. Did you hear anything that was said
 3 at the scene that you haven't told me?
 4 A. No.
 5 Q. Did you -- okay.
 6 Now, back to the wagon at 52nd and
 7 Warren.
 8 A. Yeah.
 9 Q. You said you were there for a short
 10 period of time, and then what happened?
 11 A. The paddy wagon pulled off.
 12 Q. With you still in it?
 13 A. I was still in it.
 14 Q. Where did you go?
 15 A. He went around 56th and Master.
 16 Q. What happened when he got to 56th
 17 and Master?
 18 A. They locked people up and put them
 19 in the paddy wagon.
 20 Q. Okay. So who got into the wagon
 21 with you?
 22 A. I think DeLee, and a couple of
 23 others. I know it was DeLee. And two
 24 other bulls -- two other guys were down

Page 136

1 Q. Could you hear anything being said
 2 over the police radio?
 3 A. Nope.
 4 Q. Did any of the guys like DeLee or
 5 any of the other ones that got in at 56th
 6 and Master, did they say anything to you?
 7 A. No.
 8 Q. Did they say anything to each
 9 other?
 10 A. Not that I know. They was people
 11 just talking. I don't remember what they
 12 were saying. They was just talking
 13 amongst themselves. I don't remember,
 14 like, what they were saying verbatim, what
 15 word they were saying.
 16 Q. Did you say anything to them?
 17 A. No. I just said something to
 18 DeLee.
 19 Q. What did you say to DeLee?
 20 A. I don't know what I said. I said
 21 something to him. He said it's crazy.
 22 DeLee mentioned something about Cavian
 23 (sp) or something. I don't know, Cavian.
 24 He said something about Cavian. He

Page 135

1 there.
 2 Q. What did you call them, bulls?
 3 A. Bulls -- like guys. Boys, bulls --
 4 like bulls.
 5 Q. Bulls?
 6 A. Bulls. Like two bulls like that.
 7 Q. All right.
 8 A. Then they went up Eisler (sp)
 9 Street and then got a couple of other guys
 10 on Media Street.
 11 Q. They put them in the wagon with
 12 you?
 13 A. Put them in the wagon. Yeah. Yep.
 14 Q. Did you recognize who they were?
 15 A. No. I only know one, Arthur
 16 Tillman on Media Street. That's all I
 17 knew.
 18 Q. Anyone else get in the wagon?
 19 A. Anthony Jones -- yeah. It was
 20 about nine people in there, in that wagon.
 21 Q. When you got to 56th and Master
 22 could you hear anything that was being
 23 said outside?
 24 A. Nah.

Page 137

1 referred to him as his brother or
 2 something like that.
 3 That's all I remember him saying,
 4 something about Cavian. He referred to
 5 him as his brother. That's it. He was
 6 saying stuff amongst himself. He ain't
 7 really saying nothing.
 8 Q. Did any of them talk about drugs or
 9 selling drugs or --
 10 A. Nah. Ain't none of them mention
 11 that. Nope.
 12 Q. How about any of the other guys
 13 that got in the wagon, did you --
 14 A. I didn't know none of them. I
 15 didn't know none of them.
 16 Q. I didn't ask you whether you knew
 17 them.
 18 A. Okay.
 19 Q. I didn't ask you a question
 20 actually.
 21 So the other guys that got in the
 22 wagon did they say anything?
 23 A. They was talking, but I don't know
 24 what they were saying.

Page 138

1 Q. As you sit here today you don't
2 remember a single thing --
3 A. No.
4 Q. Wait a minute. As you sit here
5 today you don't remember a single thing
6 that anyone who go into the wagon said; is
7 that correct?
8 A. That's correct.
9 Q. Did you say anything to anyone in
10 the wagon -- the people that got in after
11 DeLee?
12 A. That's it, DeLee. That's the only
13 one I said something to.
14 Q. All right. You didn't talk to
15 anyone else that got in the wagon?
16 A. I ain't know nobody else in the
17 wagon.
18 Q. I didn't ask you --
19 A. Okay. No. I didn't say nothing to
20 him.
21 Q. My question is, did you say
22 anything to anyone?
23 A. No.
24 Q. After the last group of guys got in

Page 140

1 Q. Right. But you don't remember--
2 A. I don't know them.
3 Q. You don't remember their names?
4 A. No.
5 Q. How long were you in the bullpen?
6 A. I was in the bullpen for a
7 minute -- all night.
8 Q. Oh, all night?
9 A. Yeah.
10 Q. Did anybody say anything to you
11 while you were in there?
12 A. No. One of the police officers
13 came in there.
14 Q. What did the police officer say?
15 A. The police officer was Monaghan --
16 Brian Monaghan.
17 Q. What did Monaghan say?
18 A. I said, what's up -- I spoke to him
19 first.
20 Q. Okay. What did you say?
21 A. What's up, Monaghan. He act like
22 he knew me. He asked me something about
23 my brother. I don't know if he was
24 talking about my brother that died or my

Page 139

1 the wagon what happened next?
2 A. We started going to 55th and Pine.
3 Q. What happened when you got there?
4 A. They put us all in different
5 bullpens.
6 Q. Now, again, while you were being
7 transported to 55th and Pine, could you
8 hear the police officers saying anything?
9 A. No.
10 Q. Could you hear anything over the
11 police radio?
12 A. Nope.
13 Q. All right. Once you got to 55th
14 and Pine you said everybody got put in to
15 different bullpens?
16 A. Yeah.
17 Q. Was anybody put in the same bullpen
18 as you?
19 A. Yeah.
20 Q. Who?
21 A. One of the guys. I don't know -- I
22 didn't know him, but one of the guys that
23 was in that paddy wagon was in there with
24 us. About three of us.

Page 141

1 cousin dying too -- that passed, that was
2 like my brother because we was always hung
3 together.
4 He asked me something about my
5 brother -- about a case about my brother.
6 And I just said, I don't know. I just
7 know he was beat to death. And Monaghan
8 mentioned, let me see if I can get you out
9 of here. So he came back a couple of
10 minutes later and took me out of the ball.
11 He took me in the back. There was Police
12 Officer Brian Reynolds back there, Jeffrey
13 Walker and Monaghan, and they started
14 asking me questions.
15 They asked me -- first of all they
16 asked me, who was I going to see on Nassau
17 Road. They asked me that. I said I was
18 going to that apartment building.
19 Q. He said, anything in that building
20 we should know about?
21 A. I said, no. I don't know nothing
22 about nothing being in the building. Then
23 they asked me did I know Dennis Freeman
24 and J Rock. I said, no, I don't know

Page 142

1 them. And he said, yes, you do. And I
 2 said, I just came home from parole from
 3 New York. And he said, no, you didn't.
 4 You just came home from parole in
 5 Pennsylvania. And I said, yeah, okay.
 6 Then he asked me how much parole time I
 7 owe. I said I owe 20-something months.
 8 And then he said, you're going to do that
 9 plus ten to 20 years.
 10 Q. Who was saying these things?
 11 A. Monaghan. All of them were saying
 12 different stuff to me -- asking different
 13 questions.
 14 Q. That's what I'm trying to figure
 15 out. Who asked you what? So who asked
 16 you why you were going to 61st and Nassau?
 17 A. That was Reynolds.
 18 Q. And who asked you if you knew
 19 Dennis Freeman and J Rock?
 20 A. That was Reynolds.
 21 Q. Who asked you about the parole?
 22 A. Walker.
 23 Q. All right. Anything else that they
 24 asked you?

Page 144

1 Q. Did you hear them saying anything
 2 to each other before they took you back to
 3 the bullpen?
 4 A. Nope.
 5 Q. Were they talking to each other?
 6 A. I don't know. One of them took me
 7 back to the bullpen. That's it. I don't
 8 know what they said after that.
 9 Q. All right. Who took you back?
 10 A. I think Monaghan.
 11 Q. And did you and Monaghan say
 12 anything to each other while he was taking
 13 you back?
 14 A. Nope.
 15 Q. Did he take you back to the same
 16 bullpen you were in before?
 17 A. Same bullpen.
 18 Q. And then what happened?
 19 A. That's it.
 20 Q. How long did you stay there before
 21 the next thing?
 22 A. I seen the judge after that. The
 23 cops never came back after that.
 24 Q. Did you ever have any interactions

Page 143

1 A. Reynolds is the one mentioned that
 2 when I told him I came home from parole
 3 from New York, Reynolds said, no, you
 4 didn't; you're on parole from
 5 Pennsylvania. He said, you're on parole
 6 from Pennsylvania. And I said, yeah,
 7 okay. And that's when Walker say, how
 8 much parole time you owe, and I said 28
 9 months. And Walker said, you going to do
 10 that plus ten to 20 years.
 11 Q. Okay. And then what happened?
 12 A. They asked me about anything they
 13 should know about Nassau Road. I didn't
 14 tell them -- I didn't know nothing to tell
 15 them. So they said -- I don't know which
 16 one said -- someone said, you think you're
 17 a tough guy -- or something like that.
 18 And they took me back to the bullpen.
 19 Q. Did they ask you anything else
 20 before they took you back to the bullpen?
 21 A. Nah. That's it.
 22 Q. Did you say anything else to them
 23 before they took you back to the bullpen?
 24 A. Nope.

Page 145

1 with Reynolds after what you just
 2 described?
 3 A. Nope.
 4 Q. Who paid for your criminal defense
 5 lawyer?
 6 A. I think my family paid for my
 7 lawyer.
 8 Q. Did they hire the different --
 9 because you had different ones.
 10 A. I had what his name -- Guy Sciolla.
 11 First I had Brian. Because I had Brian
 12 for my kidnap, robbery. That's why I went
 13 back to Brian.
 14 Q. Brian who?
 15 A. Brian Monaghan -- Brian McGonigle.
 16 Q. Oh, McGonigle.
 17 A. I had McGonigle for my kidnap,
 18 robber. That's why I went back to Brian
 19 McGonigle for the case. But my family had
 20 still owed Brian some money from back
 21 then. So I got that money back and got
 22 Guy Sciolla. But Guy Sciolla wanted too
 23 much money for trial. So that's when I
 24 got Meehan. We ain't even pay him all the

Page 146

1 money. He wanted, like, four or five
 2 grand. They gave him, like, 3700. I
 3 still owe him money.
 4 Q. Okay. And then you got Lou
 5 Nicholson?
 6 A. I got Lou Nicholson.
 7 Q. Who hired him?
 8 A. I don't know who hired him. I
 9 forgot who gave us money for Nicholson.
 10 But he charged us 1500 for that case.
 11 Q. Then for, like, the appeals and the
 12 habeas petitions that you filed, did you
 13 have a lawyer?
 14 A. All of them was appeals -- most of
 15 it was pro se stuff. I only paid for the
 16 appeal process was the attorney I had from
 17 PCA. Everybody else -- like, for the
 18 court was pro se.
 19 Q. Right.
 20 On January 4th, 2001 was that the
 21 first time you ever drove that green
 22 Pontiac?
 23 A. Yep.
 24 Q. Was Derrick at his apartment when

Page 148

1 floor, Room 06.
 2 Q. Did she ever give you a key to the
 3 apartment?
 4 A. Nope.
 5 Q. Do you know if Derrick knew anybody
 6 that lived inside that apartment?
 7 A. I'm not sure. We never talked
 8 about that.
 9 Q. Is it possible?
 10 A. It's possible.
 11 Q. Did Derrick know Kena?
 12 A. I'm not sure if he knew Kena or
 13 not.
 14 Q. What ever happened to the
 15 monitoring bracelet? In other words, were
 16 you wearing it at the time you were
 17 arrested?
 18 A. Yes.
 19 Q. Did somebody remove it?
 20 A. Intake. They cut it off.
 21 Q. After your arrest did you have
 22 any -- did you ever talk to Jeffrey
 23 Walker?
 24 A. Nope.

Page 147

1 you pulled up, do you know?
 2 A. He never came out.
 3 Q. I know he never came out, but did
 4 you ever find out if he was there?
 5 A. He had to still be there, because
 6 that's where I dropped him off at. So I
 7 assume he was still there.
 8 Q. But he never came out?
 9 A. He never came out. I don't know if
 10 he looked out the window and seen me get
 11 locked up or what, but he never came out
 12 the house. I don't know. I never seen
 13 him come out.
 14 Q. Did you ever talk to him after that
 15 and ask him why he didn't come out?
 16 A. I tried to call him on the phone
 17 when I got locked, but nobody ever
 18 answered it.
 19 Q. Had you ever been inside 1628 North
 20 55th Street before January 4th, 2001?
 21 A. Nope.
 22 Q. Do you know which apartment Kena
 23 was living in?
 24 A. She lived on, I think, the second

Page 149

1 Q. Were you present for any discussion
 2 that Jeffrey Walker had with your
 3 attorney?
 4 A. No.
 5 Q. Do you know whether your attorney
 6 talked to Jeffrey Walker?
 7 MR. PILEGGI: Objection.
 8 THE WITNESS: I don't
 9 know. I don't know.
 10 MR. PILEGGI: Objection.
 11 THE WITNESS: I don't know
 12 about that. I know I never talked
 13 to him.
 14 MR. PILEGGI: Hold up.
 15 Hold up. I instruct him not to
 16 answer that.
 17 BY MR. GONZALES:
 18 Q. Did you ever speak to Brian
 19 Reynolds after January 4th, 2001?
 20 A. Nope.
 21 Q. Other than when you described
 22 Reynolds, Monaghan and Walker questioning
 23 you or talking to you when you were first
 24 arrested, did any other police officers

Page 150

1 ever question you about this incident?
 2 A. Nope.
 3 Q. Did you ever give any statements to
 4 anyone about this incident other than your
 5 attorneys?
 6 A. Nope.
 7 Q. After you were arrested were you
 8 given an opportunity to contact anyone
 9 from your family?
 10 A. Yeah. After the bail. After they
 11 got the bail hearing. They gave us a
 12 phone call, but they said don't tell them
 13 to come bail you out, because you have to
 14 have a Nebbia hearing.
 15 Q. I'm not following you.
 16 So explain this to me.
 17 A. They said they give us a phone call
 18 when you see the judge -- they gave you a
 19 bail. They gave you a bail. But they
 20 give you a phone call -- once you get the
 21 bail you usually get a phone to see if
 22 anybody can bail you out.
 23 Q. Okay.
 24 A. But they said you might as well not

Page 152

1 A. I had to have a Nebbia hearing.
 2 Meaning I had to show them where you get
 3 the bail money, I guess.
 4 Q. Okay.
 5 MR. PILEGGI: You're
 6 asking him a legal conclusion.
 7 MR. GONZALES: Then
 8 object. That's fine. I'm just
 9 asking him what he remembers.
 10 MR. PILEGGI: Then I'll
 11 object.
 12 MR. GONZALES: That's all.
 13 It's all good.
 14 BY MR. GONZALES:
 15 Q. All right. So you were not able to
 16 post bail; is that correct?
 17 A. Nope.
 18 Q. Did you stay in jail up until the
 19 time of your criminal trial from this
 20 arrest?
 21 A. Yep.
 22 Q. Where did you stay?
 23 A. CFCF.
 24 Q. How long were you at CFCF before

Page 151

1 tell anyone to bail you out because you
 2 got to have a Nebbia hearing.
 3 Q. What's a Nebbia hearing?
 4 A. Nebbia hearing is where you get the
 5 bail money from.
 6 Q. Okay.
 7 A. I never made bail.
 8 Q. Okay.
 9 MR. PILEGGI: Can I
 10 just --
 11 MR. GONZALES: No. Thank
 12 you. I appreciate it, but no.
 13 BY MR. GONZALES:
 14 Q. What was your bail set -- strike
 15 that. Did you have bail set?
 16 A. Yes.
 17 Q. What was your bail?
 18 A. 50,000.
 19 Q. Were you able to contact any member
 20 of your family to try to get them to make
 21 bail for you?
 22 A. No. Because I couldn't make it.
 23 Q. When you say you couldn't make it,
 24 what do you mean?

Page 153

1 your trial?
 2 A. I went to trial May of two
 3 thousand -- I went to trial May 7th, 2002.
 4 Q. So basically from January 2001
 5 until May of 2002; is that correct?
 6 A. I was at CFCF. Yep.
 7 Q. Were you attacked or assaulted
 8 while you were at CFCF?
 9 A. Nope.
 10 Q. Were you attacked or assaulted
 11 while you were at any of the state
 12 prisons?
 13 A. Nope.
 14 Q. Did you receive any type of mental
 15 health counseling or treatment while you
 16 were at CFCF?
 17 A. Nope.
 18 Q. Did you receive any mental health
 19 or counseling treatment while you were at
 20 the state correctional facility?
 21 A. Nope.
 22 Q. What did Brian Reynolds do to you
 23 that violated your rights?
 24 A. What did he do to violate my

Page 154

1 rights?
 2 Q. Yeah.
 3 A. He locked me up for a crime I ain't
 4 commit. That's what he did.
 5 Q. Okay. How did he lock you up?
 6 A. Everything that he testified to at
 7 the hearing that he testified against me
 8 was fabricated.
 9 Q. What part did he testify to that
 10 was fabricated?
 11 A. Everything that he testified to was
 12 fabricated.
 13 Q. That he arrested you at 61st and --
 14 A. That was -- he locked me up on
 15 Nassau Road.
 16 Q. So that was true?
 17 A. That was true.
 18 Q. Okay. So it wasn't everything?
 19 A. Not everything. But the majority
 20 of what he said.
 21 Q. But that's what I'm asking.
 22 A. Okay. Yeah.
 23 Q. So what specifically did he say
 24 that was not true?

Page 156

1 firsthand any officers inside North 55th
 2 Street; is that correct?
 3 A. Nope. Nope.
 4 Q. Did any police officers go into
 5 1621 North Conestoga?
 6 A. I found out later they did -- I
 7 found out later they went --
 8 MR. PILEGGI: Wait. In
 9 his presence?
 10 MR. GONZALES: Yeah. In
 11 his presence.
 12 THE WITNESS: No. Not
 13 when I was present.
 14 BY MR. GONZALES:
 15 Q. Did you find out later that
 16 officers went in to 1621 --
 17 A. Yes.
 18 Q. -- North -- wait. You have to let
 19 me finish.
 20 A. Excuse me. Yes.
 21 Q. After -- at some point in time did
 22 you learn or hear whether any police
 23 officers went inside to 1621 North
 24 Conestoga?

Page 155

1 A. He said he followed me. He said he
 2 followed me from 56th to Master to 1621.
 3 Q. Anything else?
 4 A. He said he followed me from 1621 --
 5 he said he followed me to the apartment at
 6 1621 to North 56th Street.
 7 Q. And how do you know that that's not
 8 true?
 9 A. I know it ain't true. It's
 10 impossible.
 11 Q. Why is it impossible?
 12 A. Because I wasn't driving that
 13 Bonneville at the time it was being seen
 14 on videotape.
 15 Q. What else did he lie to?
 16 A. I can't remember offhand, but it's
 17 a lot. It's documented.
 18 Q. Did you -- were you present when
 19 any police officers went into North 55th
 20 Street?
 21 A. I was locked up already.
 22 Q. So you were not present?
 23 A. I was not present.
 24 Q. All right. So you did not witness

Page 157

1 A. Yes.
 2 Q. When was the first time you heard
 3 that?
 4 A. When I got -- probably when I got
 5 to CFCF -- when I got to CFCF.
 6 Q. All right. How did you hear that?
 7 A. Probably a visit, they said police
 8 came to the house. Someone that visited,
 9 they told me.
 10 Q. When you say, they, who is they?
 11 A. They said two police officers came
 12 to the house.
 13 Q. Who are the they that told you?
 14 A. Oh, my mom and my sister.
 15 Q. Mom and which sister?
 16 A. Tamika.
 17 Q. What did they tell you?
 18 A. They said two officers came to the
 19 house.
 20 Q. Did they say or describe the
 21 officers?
 22 A. Yeah.
 23 Q. What did they say?
 24 A. They said a short white guy and a

Page 158

1 tall black guy with braids or dreads in
2 his hair.
3 Q. Did they say what the officers did
4 in your house?
5 A. They said they was trying to get
6 into Margaret's room -- the back room, but
7 her door was locked.
8 They said Walker stayed -- Walker
9 stayed downstairs, they said. Walker was
10 downstairs and they said Reynolds came
11 upstairs. And he looked in the rooms,
12 they said. They said, he didn't go
13 anywhere in the middle room.
14 Q. Whose room was the middle room
15 upstairs?
16 A. That's my mom stuff up there.
17 Q. Okay. What else did they tell you
18 that Reynolds did?
19 A. They said Reynolds went into the
20 front room. That's where I was paroled
21 to.
22 Q. Is that the room -- was that your
23 bedroom?
24 A. That was the bedroom, yeah.

Page 160

1 Q. Did your mom say that Reynolds did
2 anything else while he was inside 1621?
3 A. Nope. Nope.
4 Q. Did she say how long they were
5 inside 1621?
6 A. She just said one of their phones
7 rung and they rushed out of there. That's
8 all she said. They got a phone call.
9 Q. Did they tell you what time they
10 were at 1621?
11 A. Nah. I don't remember the time
12 they said he was there. They said he came
13 in.
14 Q. Do you know whether they came in
15 before or after you were arrested?
16 A. I know it was after I was arrested.
17 Q. How do you know it was after you
18 were arrested?
19 A. Because they told me.
20 Q. Who told you?
21 A. My mom and them when they came to
22 see me.
23 Q. Did they say if anyone else was
24 present at the time that Reynolds and

Page 159

1 Q. Okay. What did they say that
2 Reynolds did?
3 A. They said he was looking around and
4 all that.
5 Q. Did they say that he did anything
6 else?
7 A. She said -- as a matter of fact, he
8 took a parole paper out of there. That's
9 how he knew I was on parole, too. He took
10 the parole papers out of my mom's -- out
11 of the house.
12 Q. Did they say what kind of parole
13 paper it was?
14 A. No. They just he took parole
15 papers. That's it.
16 Q. Did you ever learn what that parole
17 paper was?
18 A. That was a parole paper -- another
19 paper like showed I was released from
20 parole. Similar like that. I don't know
21 if it's the same one, but it showed I was
22 on parole.
23 Q. And who saw Reynolds do this?
24 A. My mom.

Page 161

1 Walker went into 1621?
2 A. Any cops?
3 Was any cops presents?
4 Q. Was anyone else, period, present?
5 A. Besides them two?
6 Q. Yeah. Anybody?
7 A. Yeah. Tamika was there.
8 Q. Right. Anyone else?
9 A. Tamika girlfriend was there. I
10 don't know if they came out when the kids
11 was still there. I think LB was there --
12 her boyfriend was there, LB.
13 Q. Did they say anyone else was there?
14 A. That's it.
15 Q. Were any of your family members
16 able to visit you while you were at SCI
17 Smithfield?
18 A. They ain't come up Smithfield.
19 Q. Not Smithfield -- what am I talking
20 about.
21 A. CFCF?
22 Q. Yes -- no, not CFCF. You already
23 talked about that.
24 When -- the state time that you did

Page 162

1 for this arrest, were your family members
 2 able to visit you?
 3 A. Yes. When I went to Waymart.
 4 Q. How often did they visit?
 5 A. Probably a couple months -- like
 6 every other month. They had a bus service
 7 that come up, like, every month. Every
 8 couple of months they would come up there.
 9 Q. Who would visit you?
 10 A. A lot -- all of them; my mom, my
 11 sisters, my nieces, my nephew. Everybody
 12 come up on the bus. It's Greater Friends.
 13 Greater Friends bus.
 14 Q. Prior to your arrest in January of
 15 2001 -- I think I asked you this about
 16 mental health treatment -- but had you
 17 ever treated with a social -- before your
 18 arrest -- with a social worker, a
 19 therapist, a psychologist, psychiatrist?
 20 A. No. The only time they came to see
 21 me is when I got the phone call upstate
 22 when my brother died -- like, the chapel.
 23 That's it. I spoke to the chapel. That's
 24 it. I ain't speak to no psychiatrist. I

Page 164

1 North 55th Street?
 2 A. No.
 3 Q. Up to today you never talked to
 4 anyone who saw them go in or witnessed
 5 them going in?
 6 Yes or no?
 7 A. No. Excuse me, no.
 8 Q. I understand that there have been
 9 several media articles about your case.
 10 Have you granted interviews for any
 11 of those articles or media reports?
 12 A. Yeah. Probably the ones that was
 13 in my lawyer's offices. That's it.
 14 Q. Who did you interview with?
 15 A. The news. I don't know the lady
 16 name. I don't remember her name. It was
 17 about a couple of years ago.
 18 Q. Right. Where was she from?
 19 A. I don't know.
 20 Q. Do you know how that got arranged?
 21 A. Probably from my attorney. I don't
 22 know. I'm not sure.
 23 Q. Okay. How many times did you meet
 24 with her?

Page 163

1 just spoke to the chapel. That's it.
 2 Q. While you were in prison for this
 3 arrest did you ever receive any
 4 misconducts or disciplines?
 5 A. Yeah.
 6 Q. For what?
 7 A. At Waymart I got a misconduct for
 8 not raising my hand with chow.
 9 Q. Anything else?
 10 A. That's it -- and the phone. For
 11 the phone.
 12 Q. What did they say you did with the
 13 phone?
 14 A. They said I was talking to a known
 15 inmate that was released from jail or
 16 something like that. That's it.
 17 Q. Was that true?
 18 A. That was a lie. I beat that write
 19 up.
 20 Q. You may have beat it, but was it
 21 true?
 22 A. That wasn't true.
 23 Q. Have you ever spoken to anyone who
 24 was present when officers went into 1628

Page 165

1 A. Once.
 2 Q. And was that the only interview you
 3 gave to anyone in the media -- news media?
 4 A. That I can think of.
 5 Q. Okay. During your criminal case
 6 from this arrest, did you ever -- did you
 7 testify at your trial?
 8 A. No.
 9 Q. Did you testify at any hearings?
 10 A. Yes.
 11 Q. What hearing did you testify in?
 12 A. I think after my sentence -- after
 13 I got sentenced -- before sentencing.
 14 Before sentence -- before I got sentence.
 15 Q. Okay. What type of hearing was it?
 16 A. After discovery or something like
 17 that -- not after discover -- like
 18 after -- I don't know the name of the
 19 hearing, but it was a hearing for me to
 20 come testify and the attorney had to come
 21 testify.
 22 Q. Why, do you remember?
 23 A. Why Meehan had to come testify?
 24 Q. Yeah.

Page 166

1 A. Because Meehan -- because
2 pertaining to the stuff that Meehan never
3 brung out at my trial. And Meehan never
4 had my preliminary hearing transcripts for
5 trial. That's why we called Meehan back.

6 Q. What did Meehan not bring out at
7 trial?

8 A. He never -- he never impeach the
9 cops --

10 MR. PILEGGI: I'm going to
11 object. I think this is
12 attorney/client privilege.

13 Is this with regards to
14 the attorney?

15 MR. GONZALES: Well, with
16 the hearing.

17 BY MR. GONZALES:

18 Q. You went to a Court and you said to
19 the Court your attorney didn't bring
20 things out at the trial?

21 A. Yeah. My lawyer said --

22 Q. So that's what I'm trying to find
23 out. What did Meehan not bring out at
24 trial?

Page 167

1 MR. PILEGGI: What you're
2 asking about that's
3 attorney/client privilege.

4 MR. GONZALES: I think
5 that's waived.

6 MS. TAYLOR: If I can
7 throw in there, it sounds like
8 it's a PCRA challenge based on
9 adequacy of counsel.

10 MR. PILEGGI: Well, I
11 understand.

12 MS. TAYLOR: If it's --

13 MR. PILEGGI: But it could
14 have been some discussions.

15 MS. TAYLOR: So it could
16 have been questioned, what was the
17 testimony at that hearing.

18 MR. GONZALES: Well, I
19 know what the testimony is. But
20 my question is what did he -- and
21 you can object, that's fine, and
22 instruct him not to answer, that's
23 fine. But I want to know if --

24 MR. PILEGGI: What he

Page 168

1 believed was wrong --

2 MR. GONZALES: Right.

3 MR. PILEGGI: -- what his
4 attorney did, I think that's
5 attorney/client privilege.

6 MR. GONZALES: Let me ask
7 the question; you can object and
8 then we'll --

9 MR. PILEGGI: Okay.

10 BY MR. GONZALES:

11 Q. What evidence do you believe should
12 have been presented at trial that your
13 attorney did not bring out at trial?

14 MR. PILEGGI: Objection.

15 THE WITNESS: My trial
16 attorney didn't have a preliminary
17 hearing transcripts. He didn't
18 know what these officers testified
19 to at the preliminary hearing. So
20 if you don't have these
21 preliminary hearing transcripts
22 for trial it's impossible for me
23 to have a fair trial, because you
24 don't know what these cops said.

Page 169

1 So the last case was he never said
2 nothing to the cops to contradict
3 what the cops said.

4 BY MR. GONZALES:

5 Q. Okay. Anything else that Meehan
6 should have done that he didn't do?

7 A. The only thing he should have had
8 them transcripts so that he should have
9 impeached the cops with the contradictory
10 statements that the cops made throughout
11 my case -- throughout my whole case.

12 Q. And was there any evidence that
13 Meehan should have presented at your trial
14 that was not presented?

15 A. There was a lot of evidence. He
16 never -- he never -- he never impeached
17 the cops. So basically whatever the cops
18 said the judge went with.

19 Q. Right. But my question is what
20 evidence should Meehan have presented that
21 he did not?

22 A. He should have impeached the
23 cops -- the cop took the statement that
24 these police officers made, but he never

Page 170

1 did.

2 Had he did that the trial would
3 probably told -- would have been 90
4 percent difference.

5 MR. PILEGGI: I just want
6 to file a continuing objection.

7 MR. GONZALES: Right.

8 BY MR. GONZALES:

9 Q. Anything else that Meehan should
10 have presented that he did not?

11 A. That's everything that I said. He
12 didn't have the transcripts and he never
13 impeached the cops to contradict these
14 statements.

15 Q. What was -- when was the last time
16 you sold drugs?

17 A. '96.

18 MR. GONZALES: These are
19 answers to interrogatories. It's
20 the interrogatories and the
21 answers. I want to mark them as
22 an exhibit, that's all, just to
23 verify them.

24 (Whereupon the document

Page 171

1 was marked, for identification
2 purposes, as Exhibit Torain-1.)
3 (Whereupon the document
4 was marked, for identification
5 purposes, as Exhibit Torain-2.)

6 BY MR. GONZALES:

7 Q. Mr. Torain, I'm showing you two
8 documents which we have marked as Torain-1
9 and Torain-2. Torain-1 are list of
10 questions or interrogatories. And you can
11 see they're titled plaintiff's, Kareem
12 Torain -- nope.

13 THE COURT REPORTER: Did I
14 do it wrong?

15 MR. GONZALES: They're
16 backwards, yeah.

17 THE COURT REPORTER: Sorry
18 about that.

19 MR. GONZALES: No worries.
20 We'll try it again.

21 BY MR. GONZALES:

22 Q. Kareem Torain is entitled,
23 Defendant's Interrogatories Directed to
24 Plaintiff, and they're a series of

Page 172

1 questions that were sent to your attorney
2 to answer.

3 Torain-2 is called Plaintiff Kareem
4 Torain's Responses to the Interrogatories,
5 and these were submitted to us by your
6 attorney.

7 I would like you to review the
8 questions and answers and make sure that
9 the answers are true and correct to the
10 best of your knowledge.

11 Can you do that?

12 A. Hmm-mm.

13 Q. All right. You can read
14 everything. And I don't want you to skip
15 over everything. But I can tell you that
16 the beginning part -- no, that's pretty
17 good. Go ahead. Sorry.

18 MR. GONZALES: Off the
19 record.

20 (Discussion was held off
21 the record.)

22 (Whereupon, a brief recess
23 was taken.)
24

Page 173

1 BY MR. GONZALES:

2 Q. So you had a chance to review
3 Torain-1 and Torain-2 --

4 A. Yes.

5 Q. -- is that correct?

6 A. Yes.

7 Q. Are the answers contained in
8 Torain-2 true and accurate to the best of
9 your knowledge?

10 A. Yes.

11 Q. I apologize if I already asked you
12 this, but did you know somebody by the
13 name of Dennis Freeman?

14 A. Yeah. He grew up in my
15 neighborhood.

16 Q. Did we already go through that?

17 A. I don't know.

18 Q. All right. So who's Dennis
19 Freeman?

20 A. He grew up in my neighborhood.
21 He's one of my -- I knew him from my
22 neighborhood.

23 Q. Were you friends with him?

24 A. I knew it.

Page 174

1 Q. How often -- did you ever hang out
2 with him?
3 A. Probably early '90s. I haven't
4 seen him since -- I ain't seen him -- I
5 haven't seen him since I got incarcerated.
6 Before I got incarcerated I haven't seen
7 him.
8 Q. The last time you saw him was what,
9 the mid-'90s?
10 A. Early '90s.
11 Q. Okay. Do you know whether Dennis
12 Freeman ever sold drugs?
13 A. I'm not sure. I never hung around
14 him. He never hung around me to sell
15 drugs. I don't know.
16 Q. Did you ever hear that he sold
17 drugs?
18 A. No.
19 Q. Do you know whether anyone was
20 selling drugs in the neighborhood where
21 you lived?
22 MR. PILEGGI: Objection.
23 MR. GONZALES: What?
24 MR. PILEGGI: Which

Page 176

1 A. Yeah.
2 Q. How about after you came home, did
3 you know or hear that anyone was selling
4 drugs around that area at that time?
5 A. No. Not nobody specifically.
6 Q. How about generally?
7 A. Nah.
8 MR. PILEGGI: I will
9 object to relevance.
10 MS. TAYLOR: What was the
11 answer?
12 THE WITNESS: No.
13 BY MR. GONZALES:
14 Q. What did you do on January 3rd,
15 that Wednesday?
16 MR. PILEGGI: 2001?
17 MR. GONZALES: 2001;
18 correct?
19 THE WITNESS: I don't
20 know. I don't remember going no
21 where.
22 BY MR. GONZALES:
23 Q. I'm sorry.
24 A. I said I don't remember going no

Page 175

1 neighborhood?
2 MR. GONZALES: 1621 North
3 Conestoga.
4 MR. PILEGGI: I think we
5 take it that there's open drug
6 sales.
7 MR. GONZALES: Right.
8 BY MR. GONZALES:
9 Q. Did you know anyone that was
10 selling drugs around your neighborhood?
11 A. When I came home?
12 Q. Yeah.
13 A. No.
14 Q. How about before you went away?
15 A. A lot of people in the neighborhood
16 sold drugs before I went away.
17 Q. Did you know any of them?
18 A. When I was on the street?
19 Q. Yeah.
20 A. Yeah.
21 Q. Do you know whether anyone was
22 selling drugs in and around between 55th
23 and 57th and Master Streets before you
24 went away, in the early to mid-'90s?

Page 177

1 where. I had to be, like, in the house.
2 I don't remember going no where
3 specifically.
4 Q. Did you ever borrow anyone's car
5 after you came home in December 2000,
6 before January 4, 2001?
7 A. No. Only the Bonneville.
8 Q. I'm sorry, what?
9 A. Only the Bonneville I had droven
10 (sic). That's it.
11 Q. How about January 2nd, do you
12 remember what you did on January 2nd?
13 A. I don't remember going no where in
14 particular.
15 Q. How about January 1st, New Year's
16 Day, do you remember doing anything on New
17 Year's Day?
18 A. New Year's Eve.
19 Q. Did you go out for New Year's Eve?
20 A. Yeah. New Year's Eve. I remember
21 going to the Blue Velvet -- like the Blue
22 Velvet.
23 Q. Where is that located?
24 A. I think it might have been off of

Page 178

1 Brau -- I think Brau Street.
 2 Q. Who did you go there with?
 3 A. I went there with my cousin Burt.
 4 Q. What's Burt's last name?
 5 A. Pratt.
 6 Q. What time did you guys get home?
 7 A. Probably a little after 12 --
 8 probably a little after the ball dropped.
 9 Yeah. Probably a little after New Year's
 10 came.
 11 Q. Okay. And did you stay home all
 12 day on January 1st, or did you go out at
 13 all?
 14 A. I might have went out. I'm not
 15 sure where we went, but I probably went
 16 out.
 17 Q. Do you remember where?
 18 A. No. Not particularly, no.
 19 Q. How did you get to the Blue Velvet?
 20 A. Burt had a car.
 21 Q. What kind of car?
 22 A. Like an Oldsmobile. Like an
 23 Oldsmobile or Chrysler or something.
 24 Q. What color?

Page 180

1 couple of question that's just a follow up
 2 about what you already testified about.
 3 I was wondering, you testified that
 4 you had borrowed the green Bonneville from
 5 Derrick also known as D Rock.
 6 A. D Rock.
 7 Q. How do you know Derrick?
 8 A. From the neighborhood.
 9 Q. Where did Derrick live in your
 10 neighborhood?
 11 A. He lived, like, around the -- I
 12 know he stayed with -- I don't know who he
 13 stayed with, but I know he stayed with --
 14 back in the '90s he stayed with between, I
 15 think, Hobarth -- between 59th and
 16 Hobarth, in that area.
 17 I don't know who he particularly
 18 lived with. He used to hang out, like, on
 19 the corner and playground and stuff like
 20 that. I don't know particularly who he
 21 lived with.
 22 MR. PILEGGI: Live now?
 23 MS. TAYLOR: Live then.
 24

Page 179

1 A. It might have been blue. It was a
 2 dark color. Probably blue.
 3 Q. Did you or anyone on your behalf
 4 file a motion to expunge your criminal
 5 records?
 6 A. I don't know.
 7 Q. You don't know?
 8 MR. PILEGGI: Him
 9 personally?
 10 MR. GONZALES: Or anyone
 11 on his behalf.
 12 THE WITNESS: I don't
 13 know.
 14 MR. GONZALES: Off the
 15 record a minute.
 16 (Discussion was held off
 17 the record.)
 18 MR. GONZALES: All right.
 19 Those are all the questions that I
 20 have. Ms. Taylor may have some
 21 questions for you.
 22 BY MS. TAYLOR:
 23 Q. I'm an attorney from the City of
 24 Philadelphia. So I'm going to ask a

Page 181

1 BY MS. TAYLOR:
 2 Q. And you said you knew Derrick from
 3 the '90s?
 4 A. Yes.
 5 Q. Was he also involved in drug sales
 6 in the '90?
 7 A. Possibly, yes.
 8 Q. Was he someone you worked with when
 9 you were selling in the '90s?
 10 A. Nah. Not when I was on 56th and
 11 Jefferson, no. If he did he probably was
 12 doing his own thing. I wasn't doing it
 13 with him. He probably was doing his own
 14 thing. At the time I was on Jefferson he
 15 didn't.
 16
 17 MR. PILEGGI: Can you hear
 18 him?
 19 THE COURT REPORTER: It's
 20 really difficult.
 21 MS. TAYLOR: Do you want
 22 me to change chairs?
 23 THE COURT REPORTER: That
 24 would be better. I'm sorry.

Page 182

1 BY MS. TAYLOR:

2 Q. So when you were selling at 56th
3 and Jefferson who were you working with?

4 A. A lot of them guys is dead. Like,
5 a guy like Doug -- somebody name Black Al,
6 Black Doug. Jamaicans. There was a lot
7 of them. A lot of them died over the
8 years.

9 Q. So in the '90s with the Jamaicans,
10 were those people involved with the Shower
11 Posse or was that separate?

12 A. That probably was separate.
13 There's a lot of Jamaicans hanging around
14 selling drugs.

15 Q. Are you still in touch with
16 Derrick?

17 A. I haven't seen Derrick since the
18 day I got locked up -- like that day I got
19 arrested.

20 Q. Do you know his last name?

21 A. No. I just know him as Derrick or
22 D Rock.

23 Q. I noticed when you were talking
24 about Derrick you called him D Rock and

Page 183

1 then I believe when you touched on Dennis
2 Freeman there was someone named J Rock?

3 A. That's -- J Rock is Dennis
4 Freeman's brother.

5 Q. Is there any significance --

6 A. That's two different people.

7 Q. Yeah. I'm referring to the fact
8 that they're both with Rock. Is that just
9 something you used as a nickname?

10 A. That's just people go around and
11 put something behind their names like D
12 Rock or J Rock. That's just somebody
13 putting something behind their name, like
14 a nickname or something. It ain't nothing
15 particular.

16 Q. Okay. Got it.

17 Do you remember what your phone
18 number was on that Nextel phone?

19 A. No.

20 Q. So when Mr. Gonzales -- and I'm
21 sorry, I'm going to be bouncing around
22 because I'm filling in the blanks.

23 A. Hmm-mm.

24 Q. Mr. Gonzales was asking you a

Page 184

1 question about whether you had any
2 interactions with Officer Reynolds after
3 you were arrested. And I wanted to ask
4 you the same question about whether you
5 had any interactions -- and just to take
6 you in time -- this is after you've been
7 brought to 55th and Pine.

8 So after you get to 55th and Pine
9 did you have any further interactions with
10 Officer Monaghan?

11 A. Not after he came and took me back
12 to the bullpen.

13 Q. Okay. And that's after that
14 conversation --

15 A. Conversation.

16 Q. -- you talked about with Officer
17 Reynolds, Officer Monaghan and Officer
18 Walker speaking to you; correct?

19 A. Yes.

20 Q. And did you have any further --
21 from that day forward any further
22 interactions Officer Monaghan?

23 A. No.

24 Q. Did you have any further

Page 185

1 interactions with Officer Kelly?

2 A. I ain't even know him.

3 Q. Okay. And did you have any further
4 interactions with a supervisor named
5 Sergeant Gessner (sp)?

6 A. I don't even know him.

7 Q. How about with a police supervisor,
8 again, named Corporal Sinclair?

9 A. I don't even know him.

10 Q. So that you just testified you
11 don't know Corporal Sinclair or Sergeant
12 Gessner. And just for clarity, prior to
13 January 2001, did you have any contact
14 with Corporal Sinclair?

15 A. I don't even know who he is.

16 Q. Okay. So to your knowledge did you
17 have any interaction with Corporal
18 Sinclair?

19 A. No. I just know him by his name
20 being on my document. I never seen him.
21 I don't even know what they look like.

22 Q. Okay. And I'm going to ask the
23 same questions -- and this is just so our
24 record is clear.

Page 186

1 A. Yeah.
 2 Q. Prior to January 2001 did you have
 3 any contact with Sergeant Gessner?
 4 A. No.
 5 Q. After January 2001 did you have any
 6 contact with Sergeant Gessner?
 7 A. No.
 8 Q. You just testified now --
 9 Mr. Gonzales was asking you about
 10 borrowing a car --
 11 A. Yeah.
 12 Q. And you had mentioned only the
 13 Bonneville. When you said that, did that
 14 mean the only time you borrowed a car to
 15 drive was on January 4th, 2001?
 16 A. That was the first time I drove
 17 since I'd been home.
 18 Q. Okay. So you didn't borrow any
 19 other cars between --
 20 A. No.
 21 Q. -- December?
 22 All right.
 23 MS. TAYLOR: That's
 24 actually all I have. Thank you.

Page 188

1 the cell phone?
 2 A. Nope.
 3 Q. Did you have a pager on you at the
 4 time that you were arrested?
 5 A. Nope.
 6 Q. Did you ever use a pager?
 7 A. Nope. In the '90s -- like, in the
 8 early '90s, yes.
 9 Q. What did you use the pager for?
 10 A. The drugs. The drug transactions.
 11 Q. There were some other individuals
 12 that were arrested when you were arrested.
 13 You said there were, like, nine guys or
 14 something in the van. I just want to go
 15 over some additional names that I
 16 neglected to go through earlier.
 17 Do you know anybody by the name of
 18 Mark Pichonot, P-i-c-h-o-n-o-t?
 19 A. Nope.
 20 Q. Do you know -- it looks like he was
 21 a kid, 15 years old at the time he was
 22 arrested.
 23 A. I don't know him.
 24 Q. No?

Page 187

1 THE WITNESS: Hmm-mm.
 2 MR. GONZALES: I just have
 3 a couple of follow-ups.
 4 BY MR. GONZALES:
 5 Q. Do you know a woman by the name of
 6 Carolyn Gillis?
 7 A. Never heard of her.
 8 Q. Do you still have -- or does anyone
 9 in your family still have that Nextel
 10 cellphone?
 11 A. No.
 12 Q. Do you know what happened to it?
 13 A. The police took it.
 14 Q. I understand that.
 15 Do you know whether it was ever
 16 returned to you?
 17 A. No.
 18 Q. How about the \$250 in cash that was
 19 taken from you, was that ever returned?
 20 A. No.
 21 Q. Did you ever make a request to
 22 return it?
 23 A. Nope.
 24 Q. Did you make a request to return

Page 189

1 How about Raymond Howard?
 2 A. I know Raymond Howard.
 3 Q. All right. Who is Raymond Howard?
 4 A. That's my dad's son on my dad's
 5 side.
 6 Q. Did you ever interact with Raymond
 7 at all?
 8 A. No. I haven't seen him in -- I
 9 haven't seen him in no time -- I never
 10 seen him in no times that I came home I
 11 haven't seen him.
 12 Q. How about -- so you didn't see him
 13 from December 10th, when you came home
 14 through your arrest --
 15 A. Nah.
 16 Q. -- on January 4th, of 2001?
 17 A. Nope.
 18 Q. Did you see him in the van -- in
 19 the wagon?
 20 A. He was in the back of the
 21 paddywagon with me.
 22 Q. Okay. How often did you and
 23 Raymond interact, if at all, before you
 24 were arrested?

Page 190

1 A. We wasn't close.
 2 Q. Who is Raymond's mother?
 3 A. I don't know his mother. I know we
 4 got the same dad. We got the same dad.
 5 Q. Where was he living at the time?
 6 A. I don't know.
 7 Q. Do you know a Maurice Gray?
 8 A. Nope.
 9 Q. Did you know a Glenn Delee is
 10 Miguel Moon?
 11 A. Miguel Moon is Miguel Moon.
 12 Q. Oh, I'm sorry.
 13 Did you know a guy by the name of
 14 Glenn Delee?
 15 A. No.
 16 Q. Did you know a person by the name
 17 of Eileen Hodges?
 18 A. No.
 19 Q. Do you know what the cell phone
 20 account -- whose name the cell phone was
 21 in?
 22 A. No. I got it from Sabrina Stanley.
 23 So I don't know it was in that name or
 24 not.

Page 192

1 from your house at 1621 North Conestoga?
 2 A. They said the parole paper. That's
 3 it.
 4 Q. The parole paper?
 5 A. Yeah. That's it.
 6 MR. GONZALES: All right.
 7 Those are all the questions I
 8 have. Thank you.
 9 MR. PILEGGI: I have some
 10 follow-ups.
 11 BY MR. PILEGGI:
 12 Q. Now you actually participated in
 13 your trial -- at your criminal trial.
 14 A. Yes.
 15 Q. At that time do you recall the
 16 prosecutor entering into evidence some
 17 videotapes of surveillance that the police
 18 officers allegedly filmed --
 19 A. Yes.
 20 Q. -- during the course of a couple of
 21 days at Master Street?
 22 A. Yes.
 23 Q. Do you recall if anyone -- any
 24 witness actually testified to what was

Page 191

1 THE COURT REPORTER: From
 2 what Stanley?
 3 THE WITNESS: Sabrina
 4 Stanley. I don't know if it was
 5 in her name or not.
 6 BY MR. GONZALES:
 7 Q. Did you ever get a bill or anything
 8 for the phone?
 9 A. No.
 10 Q. The property receipt for the items
 11 that were confiscated -- that the police
 12 say were confiscated from you at the time
 13 of your arrest --
 14 A. Hmm-mm.
 15 Q. -- it mentions a Cancer key ring
 16 with five keys.
 17 Did you have a key ring that had
 18 like a little zodiac sign on it?
 19 A. No.
 20 Q. But you did have two sets of keys?
 21 A. I had two sets of keys. But I
 22 ain't have -- there's no signs on it.
 23 Q. Did anybody tell you that anything
 24 else of yours was taken or stolen from you

Page 193

1 filmed on those videotapes during the
 2 trial?
 3 A. The only person that testified when
 4 them videotapes was being -- when them
 5 videotapes was being shown was Officer
 6 Monaghan.
 7 Q. Did -- for lack of a better word,
 8 did Officer Monaghan testify a blow by
 9 blow rendition of what was on those
 10 videotapes for the Court?
 11 MR. GONZALES: Objection
 12 to the form.
 13 MS. TAYLOR: Objection.
 14 MR. GONZALES: You can
 15 answer.
 16 THE WITNESS: Yes.
 17 BY MR. PILEGGI:
 18 Q. Do you know if there was any
 19 testimony that you were actually seen at
 20 that scene as depicted in the videotapes?
 21 A. No. Nothing.
 22 Q. Did you ever see the videotapes or
 23 even know of their existence after your
 24 criminal trial?

Page 194

1 A. The first time I ever seen those
2 tapes was at my criminal trial. I haven't
3 seen them since. I heard nothing about
4 them since.

5 Q. Do you know if they still exist?

6 A. They got to exist if they hadn't
7 used them. I pilled every stage of my
8 case -- I pilled -- I pilled my case.
9 They pulled those -- I know they pulled
10 those tapes up to the Superior Court for
11 Superior Court review.

12 Q. Do you know if those tapes were
13 used in any other of your codefendants'
14 trials?

15 A. I'm not sure.

16 Q. Were you tried alone or did you
17 have a codefendant at that time?

18 A. Yeah. Anthony Hodges.

19 Q. Do you know if Officer Monaghan
20 testified about any of Mr. Hodges'
21 involvement as depicted on those
22 videotapes?

23 A. I believe --

24 MS. TAYLOR: Objection.

Page 196

1 inside the Bonneville and coming back out
2 with cash. And Monaghan said, no. He
3 asked him twice. And Monaghan testimony
4 was, it was out of my view.

5 Q. So did Officer Monaghan ever
6 identify you as an individual at the
7 scene, whether you were in a Bonneville or
8 walking or whatever?

9 A. He never identified me at all. He
10 identified the Bonneville. He never
11 identified me -- my presence. No.

12 Q. I want to take you to 55th Street.
13 Do you know if Delee or any other
14 individual that was arrested that day were
15 at 55th Street while you were there -- and
16 when I say there I mean whether you were
17 at Conestoga Street, at your grandmother's
18 house or in the neighborhood?

19 A. No. The only time I seen Darnell
20 Delee was in the back of the paddywagon.

21 Q. Do you know if Delee had any access
22 to 55th Street?

23 A. Not that I know of.

24 Q. So, again, going back to the

Page 195

1 THE WITNESS: I believe he
2 did.

3 BY MR. PILEGGI:

4 Q. Do you know if Officer Monaghan
5 testified that he observed you on those
6 videotapes?

7 A. Can you rephrase that?

8 Q. Actually, let me strike that. Let
9 me rephrase it.

10 Do you know if Officer Monaghan
11 testified that he observed or filmed the
12 Green Bonneville at the scene of Master
13 Street right before the arrest of all
14 these individuals, including your arrest?

15 A. Monaghan -- when the videotape was
16 being shown on most suppress, Monaghan --
17 whenever Meehan asked Monaghan a question
18 pertaining to the Bonneville -- pertaining
19 to the Bonneville, the person that's
20 getting this -- the person that's Darnell
21 Lee getting inside the Bonneville, Meehan
22 asked him a question pertaining to the
23 Bonneville. He asked him that he -- did
24 Monaghan witness Darnell Delee getting

Page 197

1 videotapes, I will submit to you that
2 there was a request to get these
3 videotapes.

4 Do you believe they still exist?

5 A. Yeah. I believe they still exist.

6 Q. Do you know if they were moved in
7 to -- you mentioned that you appealed the
8 case; correct?

9 A. Yes.

10 Q. With the Superior Court?

11 A. Yes.

12 Q. All right. Do you know if the
13 videotape were used as evidence for that
14 appeal?

15 A. I know for a fact. We put a
16 motion -- when I was putting my case there
17 was a motion filed -- a motion to
18 compel -- a motion to compel the lower
19 courts to send them tapes. They was
20 ordered to send them tapes up to Superior
21 Court. That should be documented.

22 Q. So part of your appeal -- at least
23 one or more of your issues during your
24 appeal was with respect to whether you

Page 198

1 were seen at that scene?

2 A. On videotape.

3 Q. In other words, a challenge to the
4 videotapes?

5 A. Yes.

6 Q. Or a challenge to the police
7 officer's testimony that they observed you
8 at that scene?

9 A. The testimony as well.

10 MR. PILEGGI: That's all I

11 have.

12 MR. GONZALES: I have some
13 follow-ups.

14 BY MR. GONZALES:

15 Q. On January 4, 2001, did you ever --
16 did Delee ever enter the green Bonneville
17 while you were in it?

18 A. No.

19 Q. Did you ever provide drugs to
20 Delee?

21 A. No.

22 Q. Did you ever provide drugs to any
23 of the other individuals who were arrested
24 on January 4, 2001?

Page 200

1 concluded at 1:21 p.m.)

2 - - -

Page 199

1 A. No.

2 Q. Did you ever -- what do they call
3 it -- did you ever have any interaction
4 with any of those guys that were in the
5 wagon with you before they were actually
6 arrested?

7 A. No.

8 Q. Do you know whether D Rock or this
9 guy Derrick you got the car from, do you
10 know whether he had driven the car -- the
11 Bonneville to 55th and Master that day?

12 A. I'm not sure.

13 Q. Have you spoken to anyone since
14 then to find out?

15 A. Nope.

16 MR. GONZALES: All right.
17 Those are all the questions I
18 have. Thank you.

19 MS. TAYLOR: Nothing
20 further.

21 - - -

22 (Witness excused.)

23 - - -

24 (Whereupon, the deposition

Page 201

1 CERTIFICATION

2
3
4 I, JO-ANNE M. BOSLER, a Professional
5 Court Reporter and Notary Public, do hereby
6 certify that the foregoing is a true and
7 accurate transcript of the stenographic
8 notes taken by me in the aforesaid matter.
9

10
11
12
13 DATE: September 30, 2021
14

15
16 JO-ANNE M. BOSLER
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Page 202

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 ERRATA
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3 PAGE LINE CHANGE
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Page 203

1 SIGNATURE PAGE
 2

3 I, KAREEM TORAIN, have read the foregoing
 4 testimony taken on THURSDAY, SEPTEMBER 30,
 5 2021, in PHILADELPHIA, PENNSYLVANIA, before
 6 Jo-Anne M. Bosler.

7 I understand that the deposition is a
 8 true and correct transcription of said
 9 testimony, except as I have corrected it,
 10 indicating the page, line number, and content
 11 of said correction, and shall forward said
 12 corrections to MAGNA LEGAL SERVICES, 1635
 13 Market Street, 9th Floor, Philadelphia,
 14 Pennsylvania 19103.

15 I further understand that if I do
 16 not carry out these instructions within
 17 thirty days from the date I receive said
 18 transcript, I have waived my right to read
 19 and sign the deposition and the transcript
 20 will be filed accordingly.

21
 22
 23
 24 SIGNATURE

A				
able 6:14 7:7 15:7 17:19 21:6 22:11 47:21 59:11 151:19 152:15 161:16 162:2 access 196:21 account 190:20 accountant 14:4 accurate 125:3 173:8 201:7 act 140:21 acti 77:17 Action 1:6 activate 77:14 actual 48:15 86:6 add 83:6 added 83:11,13 additional 46:19 188:15 address 9:7 12:3 13:20 18:21 86:7 93:5 113:19 114:6 adequacy 167:9 adjudicated 31:7 42:20,22 adult 36:14 50:22 advocate 30:23 31:1,2 aforsaid 201:8 afternoon 63:12,15 70:3 79:4 age 73:21 agency 114:24 agent 71:13,17 114:10 ago 24:23 26:17 27:18 164:17 agreement 5:1 ahead 42:15 69:8 69:16 121:21 172:17 ain't 17:21 18:5,6 21:22 24:15 27:9 27:11,14 60:21	69:5 71:16,24 74:17 77:12 78:7 81:14 94:8 96:1,8 105:14,15,17,22 107:10 108:7,9,12 111:7,15 112:3,4 112:11,15 124:1,4 137:6,10 138:16 145:24 154:3 155:9 161:18 162:24 174:4 183:14 185:2 191:22 al 1:6 182:5 alive 9:4 19:23 31:5 allegedly 192:18 allowed 39:5 58:1 114:3 altogether 82:9 83:9 ankle 57:2,3,7,11 57:18 Anne 2:17 21:1 Anne.Taylor@P... 2:21 answer 4:3 6:24 79:11 99:17 105:24 106:14 108:19,19 149:16 167:22 172:2 176:11 193:15 answered 99:19 147:18 answering 105:15 105:22 answers 6:5 17:4 170:19,21 172:8,9 173:7 Anthony 60:8 135:19 194:18 anticipate 6:14 anybody 69:6 128:15 129:13 139:17 140:10 148:5 150:22 161:6 188:17	191:23 anyone's 177:4 anyway 82:14 apart 73:21 apartment 65:17 80:9,10 85:20 86:4 89:6 90:10 91:17 95:6 115:20 141:18 146:24 147:22 148:3,6 155:5 apartments 89:8 apologize 85:2 173:11 appeal 146:16 197:14,22,24 appealed 197:7 appeals 146:11,14 appear 119:21 appreciate 131:3 151:12 approximate 128:6 area 54:23,23,24 124:21 176:4 180:16 Armstrong 24:6 25:1 arranged 164:20 arrest 29:1 52:7,22 54:6 56:18,21 57:23 148:21 152:20 162:1,14 162:18 163:3 165:6 189:14 191:13 195:13,14 arrested 29:3,6,10 29:12,16 31:20,22 31:23 32:1 34:22 35:15,19,22 39:3 39:16 42:1 50:12 51:24 52:17,19 57:4,5 60:9,13 62:5,6 63:17 122:7 128:3,5 131:6 133:23 148:17 149:24	150:7 154:13 160:15,16,18 182:19 184:3 188:4,12,12,22 189:24 196:14 198:23 199:6 arrests 49:8,10,11 50:17 52:14 arrive 91:11 102:3 117:15 131:10 Arthur 60:24 61:2 135:15 articles 164:9,11 asked 44:7 69:8 85:2 122:5,10 123:14 124:9 130:11 133:4,5,8 140:22 141:4,15 141:16,17,23 142:6,15,15,18,21 142:24 143:12 162:15 173:11 195:17,22,23 196:3 asking 6:1 39:11 66:5 67:21 68:5,8 86:14 97:7 118:13 118:20 128:9,10 141:14 142:12 152:6,9 154:21 167:2 183:24 186:9 asleep 71:8 assaulted 153:7,10 assist 18:2 58:8 associate 122:9 assume 7:1 147:7 assuming 107:1 ate 70:23 attacked 153:7,10 attorney 15:9 22:18 22:22 56:6 146:16 149:3,5 164:21 165:20 166:14,19 168:4,13,16 172:1 172:6 179:23	attorneys 2:5,13,22 5:20 150:5 attorney/client 166:12 167:3 168:5 Aunt 41:2,3 authority 39:4,15 39:16,21,22 Avenue 11:12 awaiting 42:2 a.m 1:15 71:23 74:22 76:5 81:6,7
				B
				B 3:14 back 21:6 25:11 28:22 29:7,7 31:6 42:12 44:8,9 55:1 57:13 62:24 65:18 74:16 77:5 80:8 89:20,22 90:2 91:12 96:12 97:19 99:23 100:9 102:4 105:15,23 106:5,6 106:21 107:19,20 111:14 114:2 115:16 117:7,8 126:14,18 128:14 129:7 130:2,9,10 133:2 134:6 141:9 141:11,12 143:18 143:20,23 144:2,7 144:9,13,15,23 145:13,18,20,21 158:6 166:5 180:14 184:11 189:20 196:1,20 196:24 backwards 121:3 171:16 Bacon 23:18,19 badge 119:22 bail 34:21 35:12 36:3 42:9,10 44:5 44:6,8 150:10,11 150:13,19,19,21

150:22 151:1,5,7 151:14,15,17,21 152:3,16 bailed 38:23 Baker 8:14,18,21 10:22 11:2,5 ball 141:10 178:8 bank 72:13,15 barber 67:7 barbershop 65:3 65:21 66:14 67:7 67:19 68:14,19 69:20,23 70:6 74:24 86:20 87:8 87:15 90:2 based 167:8 basically 43:9 74:19 92:4 133:18 153:4 169:17 beard 63:5,6,7 64:20 124:3 beat 141:7 163:18 163:20 bedroom 158:23,24 beginning 172:16 behalf 179:3,11 believe 10:11,12 11:6 15:6 24:9 52:13 88:21 106:21 168:11 183:1 194:23 195:1 197:4,5 believed 168:1 best 172:10 173:8 better 131:1 181:24 193:7 big 12:3 49:24 51:19 bill 191:7 bills 28:7 bingo 105:3,4,5,6 birth 7:17 10:10 23:22 bit 44:9 107:15 127:4,19 130:2 black 64:8,8,9,9	123:18 132:5,6 158:1 182:5,6 blanks 183:22 block 61:17,21 67:11 68:1,6,7,11 102:2 128:21 blocks 88:7,10,15 88:16,18,19 blow 193:8,9 blue 32:10 177:21 177:21 178:19 179:1,2 board 45:21 47:3,5 Bonneville 62:10 62:13 63:8 65:15 109:22 110:6,18 110:21,21 130:5 130:17,18,19 131:8 132:3,4 133:10 155:13 177:7,9 180:4 186:13 195:12,18 195:19,21,23 196:1,7,10 198:16 199:11 book 18:12,13,15 19:14 bookkeeper 14:9 books 18:17,24 19:2,5,11 boots 64:5,6,9 born 10:15 borrow 69:17 79:10 177:4 186:18 borrowed 180:4 186:14 borrowing 186:10 Bosler 1:16 201:4 201:16 203:6 bought 16:3 75:18 77:9,13 93:22,23 bouncing 183:21 Box 18:24 Boy 23:11 boyfriend 103:5,21	103:22 104:3,11 104:12,13,14 116:22 161:12 Boys 135:3 bracelet 57:2,3,11 57:18 148:15 braids 158:1 brand 75:20 Brau 178:1,1 breakfast 71:10 74:20 breeze 63:23 Brian 2:13,23 5:14 53:19 54:2 140:16 141:12 145:11,11 145:13,14,15,15 145:18,20 149:18 153:22 Briana 73:18,19,20 104:17,18 brief 99:2 172:22 briefly 70:13 97:18 98:8 128:1 bring 40:15,16,18 40:19 166:6,19,23 168:13 bringing 105:22 107:19 brother 10:1 19:20 80:23 137:1,5 140:23,24 141:2,5 141:5 162:22 183:4 brothers 9:22 brother's 10:6 75:18 brought 184:7 brown 63:2 64:8 132:14 brung 166:3 Bucks 94:14 95:4 buddies 102:21 building 80:9,10 89:9 90:10 91:17 91:22 92:10,11,12 92:21 93:4,9	115:10,11,20 141:18,19,22 built 124:1 bullpen 139:17 140:5,6 143:18,20 143:23 144:3,7,16 144:17 184:12 bullpens 139:5,15 bulls 134:24 135:2 135:3,3,4,5,6,6 bunch 117:20 Burt 178:3,20 Burt's 178:4 bus 39:4,21 40:18 40:20 41:21 49:1 162:6,12,13 business 14:10 18:21 button 64:15 buy 77:7 B-a-c-o-n 23:20 B-a-k-e-r 8:21	182:24 calling 80:20 calls 78:11 100:10 100:16 107:12,16 Camp 37:5 Cancer 191:15 car 62:7,9 64:24 65:4,12,18,20 69:9,10,12,14,17 79:7,10 81:14 87:2,4,6,22 88:3 89:4 90:13 91:2 92:16,24 98:6,18 100:15 105:23 106:6 107:19,21 109:13,15 111:11 111:12 115:17 117:8,19 118:1,15 118:17,18,19,23 119:2 121:4,7,8 124:15,17 125:5 126:13 133:16 177:4 178:20,21 186:10,14 199:9 199:10 card 21:7 care 20:17 21:8 Carolyn 8:13 12:10 187:6 carry 203:16 cars 117:24 118:22 186:19 Carter 26:15 case 5:20 28:24 30:16 34:24 35:14 36:7,8 38:1,15,20 38:22,23 42:3,4 42:11,13,14,20 43:8 49:15 50:4,6 50:7,11 51:11 52:24 54:1,16 55:19,24 57:6 60:10,20 141:5 145:19 146:10 164:9 165:5 169:1 169:11,11 194:8,8
--	--	--	--	--

197:8,16 cases 49:17,23,24 50:18 51:4,19,21 51:22 cash 82:8 113:22 187:18 196:2 catch 30:4,7 39:18 caught 30:9,11 34:17,18,19 38:19 38:22 39:17,20 49:19,20 50:3 51:4 Cavian 136:22,23 136:24 137:4 cell 75:4 100:10,17 100:21 109:21 188:1 190:19,20 cellphone 187:10 center 34:23 35:7,9 35:10,24 36:1,10 certain 56:19,20 certification 20:15 certified 36:11,13 certify 36:12 201:6 CFCF 152:23,24 153:6,8,16 157:5 157:5 161:21,22 chain 110:19,20 chairs 181:22 challenge 167:8 198:3,6 chance 22:23 173:2 change 181:22 202:2 chapel 162:22,23 163:1 charge 30:10 38:11 38:12,13 charged 29:17,18 29:24 32:19 35:16 35:19 42:7 146:10 charges 30:18 32:5 42:6 check 82:11,14 83:21,23 84:4,7 108:7,9	checks 113:22 Chestnut 2:3 child 24:13,16,18 25:20,24 26:7 children 23:7 chow 163:8 Chrysler 178:23 church 95:24 96:7 128:21,22 city 1:6 2:16,22 11:21,22 26:20 28:11,22 35:10 39:23,24 40:21 42:2 43:16,17 52:20 179:23 Civil 1:6 CJC 35:12,13 claim 34:5,7,7 39:20 clarify 45:2 clarity 185:12 classes 20:6 classroom 20:9 clean 13:22 16:10 16:12,13,14 cleaned 47:23 cleaning 13:3,5,8 13:22 15:17,19 16:4,16,19 clear 121:19 185:24 client 128:10 clock 108:6,8,9,12 close 73:20 106:16 121:8 190:1 clothes 119:14,17 119:18,19 120:6 132:10 cocaine 40:3,4,10 code 8:8 codefendant 194:17 codefendants 32:23 194:13 Coleman 1:14 2:7 color 62:11 64:7,16 111:6,7,8 178:24	179:2 colors 120:5 come 18:18 56:18 58:1,1 66:19 71:16,20 81:11,12 89:20 90:7 94:19 107:20,21 147:13 147:15 150:13 161:18 162:7,8,12 165:20,20,23 comes 22:20 coming 66:23 67:12 79:15,16 89:17 94:15 196:1 commencing 1:15 commere 15:16 commercial 13:21 13:22 15:18 commit 154:4 Common 35:2,4 company 13:2,10 13:11,24 14:2,4 15:11,24 16:4,11 18:13,14,15 compel 197:18,18 concluded 200:1 conclusion 152:6 concurrent 45:5,8 45:11 46:17 concurrently 46:14 Conestoga 8:4,23 10:23 48:8,23 67:13 101:8 102:11 122:12 156:5,24 175:3 192:1 196:17 confiscated 191:11 191:12 conspiracy 31:24 32:20 33:2 construction 58:14 58:21,22 contact 53:19 54:7 54:17 150:8 151:19 185:13 186:3,6	contained 173:7 content 203:10 continuing 170:6 continuously 8:23 contract 15:20 contradict 169:2 170:13 contradictory 169:9 conversation 79:18 84:10 184:14,15 convince 28:21 cool 87:2 106:3 cop 169:23 copies 15:7 cops 144:23 161:2,3 166:9 168:24 169:2,3,9,10,17 169:17,23 170:13 corner 21:17 22:9 59:21 61:24 65:24 66:1,4,7,11,12 67:6,8 68:11 87:8 88:1,14 89:9 90:9 91:16,18 96:17 101:21,22 124:17 132:19,22 180:19 Corporal 2:23 185:8,11,14,17 correct 17:8 20:20 26:1,8 66:13 84:12 112:14 117:5 129:10 131:10 133:2 138:7,8 152:16 153:5 156:2 172:9 173:5 176:18 184:18 197:8 203:8 corrected 203:9 correction 203:11 correctional 46:2 47:10 82:12 84:1 153:20 corrections 203:12 counsel 5:1 128:9	167:9 counseling 153:15 153:19 County 94:14 95:4 couple 6:2 24:23 53:15 76:11,18 83:4,5,6,8,14,16 83:17 84:8 104:4 110:22 134:22 135:9 141:9 162:5 162:8 164:17 180:1 187:3 192:20 course 83:2 117:6 192:20 court 1:1 6:3,16 8:15 24:17 25:23 35:3 39:1 55:21 62:16 97:3 146:18 166:18,19 171:13 171:17 181:19,23 191:1 193:10 194:10,11 197:10 197:21 201:5 courts 197:19 cousin 19:16,17 95:1 141:1 178:3 crack 30:2,3,5,6,8 30:12,14 31:11,14 40:4 52:9,10 crazy 136:21 Create 19:7 crime 154:3 criminal 51:6 103:9 115:23 116:3,6,9 116:13,16,20,23 117:2,4 145:4 152:19 165:5 179:4 192:13 193:24 194:2 cross 89:10 Cruz 95:18,23,23 96:5 cuffs 123:12,13 currently 12:23 custody 26:4
---	---	--	---	---

cut 69:1 148:20 Cynthia 49:5	Defendant 2:13 defendants 1:7 2:22 5:16 Defendant's 3:21 171:23 defense 145:4 Delaware 24:4 DeLee 59:15 60:13 61:22,23 134:22 134:23 136:4,18 136:19,22 138:11 138:12 190:9,14 195:24 196:13,20 196:21 198:16,20 demand 19:8 DeMarco 21:9 Dennehey 1:14 2:7 Dennis 141:23 142:19 173:13,18 174:11 183:1,3 department 2:16 29:12 114:24 depicted 193:20 194:21 deposition 1:14 4:1 5:17 199:24 203:7 203:19 Derrick 62:15,19 62:23 63:9 65:1,5 68:17 69:6,8 75:1 77:21 78:3,6,9 79:9 81:15 84:16 86:21,23 87:18,24 88:3 90:11,13 100:15 103:8,9,12 103:12 105:21 108:20 116:5,7,8 146:24 148:5,11 180:5,7,9 181:2 182:16,17,21,24 199:9 Derrick's 62:21 65:14 87:18 describe 62:23 110:14 111:5 119:12 123:16	132:11 157:20 described 124:22 125:4 145:2 149:21 describing 46:12 DESCRIPTION 3:17 detainer 38:24 died 93:19 140:24 162:22 182:7 difference 170:4 different 12:13 88:17,18 139:4,15 142:12,12 145:8,9 183:6 difficult 181:20 Diggs 60:19 diner 81:19 Directed 171:23 direction 4:3 66:18 133:16,19 directly 31:7 98:21 109:13 disciplines 163:4 discover 165:17 discovery 165:16 discussed 52:15 discussion 21:3 28:2 37:17 46:9 98:24 149:1 172:20 179:16 discussions 167:14 dispute 26:3 33:22 distribute 51:9 district 1:1,1 29:14 51:8 divorce 28:18 DMV 115:14 Docket 1:7 doctor 20:17 21:8 21:18,20 document 48:17 170:24 171:3 185:20 documented 155:17 197:21	documents 4:9 171:8 doing 43:7 44:12,14 74:19 119:6 177:16 181:12,12 181:13 dollars 81:24 83:4 83:5,6,8,14 84:9 door 99:8,11,17,20 121:9 122:2,3 158:7 Doug 182:5,6 downstairs 158:9 158:10 Dr 21:8 drawn 121:16,17 121:20 Dread 132:15 dreads 132:15 158:1 Drexel 26:21 27:13 27:15,17 drink 109:5 drive 69:12 88:3 186:15 driven 199:10 driver's 87:18 112:5,6,10,11,13 112:15,19,22,24 113:5,9,13 122:2 driving 62:6,9 100:9,16 129:4 131:7 155:12 drop 65:12 69:13 87:2 90:11 dropped 76:19 87:3 147:6 178:8 dropping 91:13 drove 65:15 69:12 87:4 89:13 106:6 109:15 115:18,19 117:8 129:3 130:18 146:21 186:16 droven 177:9 drug 29:20 49:15	49:17 50:18 51:21 51:22 175:5 181:5 188:10 drugs 29:21,24 34:2,3,11 38:13 39:17,19,21 40:1 40:11,12,15,16,18 40:19 52:7 59:23 60:2,4,6 61:5,6,12 61:13,15,16 62:2 137:8,9 170:16 174:12,15,17,20 175:10,16,22 176:4 182:14 188:10 198:19,22 duly 5:6 duplex 12:3 dying 141:1
			E	
			E 1:22,22,22 2:1,1 3:1,14 201:1 202:1 203:1,1 earlier 188:16 early 25:11 55:1 60:15 90:18,23 91:1 93:13 97:22 174:3,10 175:24 188:8 earned 83:24 84:5 easier 6:16 EASTERN 1:1 eat 81:18,21 109:2 Eddie 12:15,18,22 Eddie's 12:20 education 18:1 eight 58:5 70:21 74:7 Eileen 190:17 Eisler 135:8 either 101:23 120:11 Elementary 74:10 74:11 eleven 120:17 emblem 111:10,12	

Emily 26:15,16,18 27:22 28:18 employed 12:23 employees 15:12 enroll 18:1,5,8 enrolled 20:13 enter 198:16 entering 192:16 entitled 171:22 ESQUIRE 2:3,8,17 estimate 108:14 et 1:6 Eve 177:18,19,20 everybody 139:14 146:17 162:11 evidence 168:11 169:12,15,20 192:16 197:13 exact 10:15 12:2 91:5 92:18,19 97:16 107:10,13 107:13,14,17 108:8,11 117:17 128:4,12 exactly 80:12 93:9 96:24 108:21 114:8 115:3 EXAMINATION 5:10 examined 5:7 excuse 50:10 56:7 57:17 76:14,14 124:24 130:23 132:21 156:20 164:7 excused 199:22 exhibit 170:22 171:2,5 exist 194:5,6 197:4 197:5 existence 193:23 explain 150:16 expunge 179:4 e-mail 20:24	F 201:1 fabricated 154:8,10 154:12 face 69:22,22 facial 63:3 120:10 facility 46:3 47:10 47:24 48:1 153:20 fact 159:7 183:7 197:15 fair 168:23 Fairfax 26:19 familiar 54:19,20 family 27:20 35:3 40:23,24 55:14 81:22 145:6,19 150:9 151:20 161:15 162:1 187:9 far 16:24 17:10 59:21 92:19 fast 97:11 father 9:2 11:1 fell 52:6 female 21:21 65:6,7 65:8,11 75:18 76:19,22 figure 22:22 142:14 file 14:21 15:1,3,5 170:6 179:4 filed 5:15 14:22 146:12 197:17 203:20 filling 183:22 filmed 192:18 193:1 195:11 finally 79:6 find 40:12 58:9,11 108:5 127:7,14 147:4 156:15 166:22 199:14 fine 10:17 152:8 167:21,23 finish 17:19 33:18 35:18 84:2 97:7 156:19 finished 86:14	first 8:16 13:14 16:18 29:5 41:17 65:13 76:7,24 77:20 78:4,7,8,13 78:20,22,23 79:19 81:1 89:9 96:3 107:18 113:12 117:23 118:7,19 126:16 131:5,10 133:6 140:19 141:15 145:11 146:21 149:23 157:2 186:16 194:1 firsthand 156:1 five 47:16 48:4 100:3,24 120:17 127:3,18,19,20 146:1 191:16 floor 2:18 148:1 203:13 folded 112:4 follow 180:1 followed 155:1,2,4 155:5 following 150:15 follows 5:8 follow-ups 187:3 192:10 198:13 food 17:1 foregoing 201:6 203:3 forgot 20:4 146:9 form 5:2 13:23 14:2 193:12 formed 16:15 forward 184:21 203:11 found 32:14 36:22 40:11 42:13 156:6 156:7 four 28:13 37:22 38:2 43:14 50:14 51:13 60:17 88:18 102:6 146:1 fourth 75:13,14	franchise 15:22,23 16:5 Freeman 60:22 141:23 142:19 173:13,19 174:12 183:2 Freeman's 183:4 freeze 117:21 121:10,23 Friday 9:14 friend 62:14 friends 55:12 102:20 162:12,13 173:23 fro 107:4 front 29:22 65:2,21 118:8 121:15 129:22 158:20 full 7:9 63:7 further 184:9,20,21 184:24 185:3 199:20 203:15	Glenn 190:9,14 Globe 13:2,4,7 15:23,24 16:16,19 18:16,19,20,22 19:4 go 9:14,15 17:2 20:8,11 21:2 22:24 29:1 30:19 30:20 32:8 42:15 43:2 45:21 47:1,2 48:22 59:2,4,9 65:6 66:19,21,24 67:2,4,6 68:19 69:17,21 72:10 74:12 81:20 88:20 88:21 89:6,19 90:3 95:5 97:14 97:20 102:1,23 114:9,10 115:20 121:3,21 128:18 130:9,10,13 134:14 138:6 156:4 158:12 164:4 172:17 173:16 177:19 178:2,12 183:10 188:14,16 goes 88:13,14 Goggin 1:15 2:7 going 6:15 18:6 22:6,16 28:21 40:21 41:20 43:3 50:9 70:12 79:6,7 81:10,12,13,16 84:11 97:11 105:3 105:4,6 131:1 139:2 141:16,18 142:8,16 143:9 164:5 166:10 176:20,24 177:2 177:13,21 179:24 183:21 185:22 196:24 Gonzales 2:8 3:5 5:12,14 8:19 20:23 21:5 37:15
---	---	---	---	---

F

37:19 45:3,14 46:6,11 51:5 56:2 56:11 62:20 97:1 97:5,10,13 99:4 114:19 115:15 128:8,13 149:17 151:11,13 152:7 152:12,14 156:10 156:14 166:15,17 167:4,18 168:2,6 168:10 169:4 170:7,8,18 171:6 171:15,19,21 172:18 173:1 174:23 175:2,7,8 176:13,17,22 179:10,14,18 183:20,24 186:9 187:2,4 191:6 192:6 193:11,14 198:12,14 199:16 good 46:7 152:13 172:17 gotten 53:8 Gotti 7:22 graduate 17:5 grams 40:8 grand 146:2 grandfather 19:19 93:22,23 94:2,19 grandma 98:7 grandmom 19:19 93:2 94:1 95:6 96:15 97:15,21 98:5 99:15 101:1 grandmom's 98:19 98:22 99:5 100:2 102:10 grandmother 93:3 93:10 94:20 116:2 117:1 grandmother's 19:21 196:17 granted 164:10 Graterford 37:5 Gray 190:7	Greater 162:12,13 green 62:12 146:21 180:4 195:12 198:16 grew 59:20 173:14 173:20 group 138:24 guess 94:21 152:3 guilty 32:8,14 36:22 42:13 guns 121:16,17,20 guy 34:8,13,14 61:10 70:10,10 80:21 132:14 143:17 145:10,22 145:22 157:24 158:1 182:5 190:13 199:9 guys 88:22 134:24 135:3,9 136:4 137:12,21 138:24 139:21,22 178:6 182:4 188:13 199:4 G-o-t-t-i 7:24 G.E.D 17:12,16,20 18:2 20:6 <hr/> H <hr/> h 3:14 9:20 habeas 146:12 hair 63:3 69:1 120:10 132:15 158:2 half 27:18 32:17 37:22 38:2,3 43:14 44:10 45:9 47:11 49:21 126:22 127:16,22 halfway 48:5 hall 35:10 78:12,15 78:17,24 79:1 81:2 84:11 103:7 hand 121:14 163:8 handcuffed 124:11 handcuffs 119:10	121:1,2 122:4 123:8,10,17 132:23 handle 19:7 hands 117:22 121:11,23 124:23 hang 174:1 180:18 hanging 182:13 happen 133:22 happened 30:18 32:5 35:14 36:7,8 42:5,11 46:13 47:5,8 48:6 89:1 99:19 128:24 130:1,12 134:10 134:16 139:1,3 143:11 144:18 148:14 187:12 happens 121:6 hard 48:17 Hasheem 70:10 80:23 Hasson 33:5 34:12 hat 64:22 120:8 Haverford 21:16 Havertown 88:20 88:20 head 6:6 22:3 63:2 health 15:21 23:3 153:15,18 162:16 hear 6:22 54:1,13 60:5 125:17,20,22 129:12,18,21 131:14,17 134:2 135:22 136:1 139:8,10 144:1 156:22 157:6 174:16 176:3 181:17 heard 7:1 54:3 157:2 187:7 194:3 hearing 36:3 150:11,14 151:2,3 151:4 152:1 154:7 165:11,15,19,19 166:4,16 167:17	168:17,19,21 hearings 165:9 held 1:14 21:3 37:17 46:9 98:24 121:13,14 172:20 179:16 Heston 74:9,9,10 hey 69:17 high 17:2 highlighted 48:19 Hill 26:22 27:13,16 27:18 37:5 93:19 93:20,24 hire 58:23 145:8 hired 146:7,8 history 51:7 hit 89:24 Hmm-mm 68:10 111:4 172:12 183:23 187:1 191:14 Hobarth 180:15,16 Hodges 60:8 190:17 194:18,20 hold 14:23 43:9,10 65:12 149:14,15 home 18:15 22:11 32:7 47:7 56:12 58:5 70:24 71:7 74:1 77:9 82:10 82:11,14,19 83:20 83:20 99:15 103:13,19 104:16 104:19 108:23 109:3,6,10 111:16 113:14 142:2,4 143:2 175:11 176:2 177:5 178:6 178:11 186:17 189:10,13 hour 126:23,23 127:16,22 hours 127:11,14 house 28:5,9 34:21 48:5 56:18,21 57:22 65:19 66:10	66:19 70:1,6,18 71:4,24 72:1,2,24 84:21,24 86:10 93:2,22,23 94:14 94:17 95:8,10,11 95:19,19 96:11,12 96:13,14,15 97:19 98:7,19,22 99:6 99:10 100:2 101:3 101:21 102:4,10 102:10,24 103:2,3 103:4 104:4,5,7 106:7,22 107:3,4 107:6,22 108:6 109:9,12,20,21,24 109:24 110:8,9 112:18 147:12 157:8,12,19 158:4 159:11 177:1 192:1 196:18 houses 61:24 62:2 Howard 189:1,2,3 hug 99:22 huh-huhs 6:7 hundred 40:7 83:5 83:6,8,14 84:8 hung 141:2 174:13 174:14 Hunter 66:23,24 67:10,12,13,23 68:2 70:9 86:17 88:6,8,9,12,13 89:21,23 90:9 91:12,15,17,19,20 91:20,21,22 92:1 92:3,5,6,14,17,22 96:19 98:1 101:13 101:14,17,20 109:14 Huntingdon 37:11 37:12 H-a-l-l 78:15,16 <hr/> I <hr/> ice 70:8 80:22 85:14,22 86:17
--	---	---	--	--

91:21 102:15,17 ID 112:6,7,8 113:16 113:18,18,21,22 113:24 114:2,11 114:12,21 115:1,3 115:4 122:21,22 122:23 identification 113:17 114:5 171:1,4 identified 196:9,10 196:11 identify 196:6 impeach 166:8 impeached 169:9 169:16,22 170:13 important 6:7 impossible 155:10 155:11 168:22 incarcerated 17:17 20:2,5,7,13 80:6 84:5 93:15 174:5 174:6 incident 150:1,4 incidents 53:15 including 195:14 INDEX 4:1 indicating 203:10 individual 196:6,14 individuals 188:11 195:14 198:23 information 5:22 22:17 initial 111:14 inmate 163:15 inside 47:22 68:19 82:11 89:3,4,6 98:18 147:19 148:6 156:1,23 160:2,5 195:21 196:1 instruct 149:15 167:22 instruction 6:11,13 6:19,21 7:4 instructions 6:2	203:16 insurance 21:7 Intake 148:20 intent 51:9 interact 189:6,23 interaction 185:17 199:3 interactions 55:5,5 144:24 184:2,5,9 184:22 185:1,4 interrogatories 3:22,24 17:5 170:19,20 171:10 171:23 172:4 interrupt 121:14 interrupting 97:6 98:11 113:4 116:14 intersection 87:14 interview 164:14 165:2 interviews 164:10 involved 5:20 34:2 181:5 182:10 involvement 194:21 Island 43:20,23 issues 197:23 itch 195:9 items 191:10 J J 141:24 142:19 183:2,3,12 jacket 63:22 64:1 Jackson 33:6 34:18 jail 32:6 37:23 51:2 81:3 85:4 152:18 163:15 Jamaicans 182:6,9 182:13 James 13:13,16 15:13 January 10:19 53:18 54:6 60:14 61:18 62:24 74:15	77:15 78:5,11 80:4,16 81:4 84:20,23 85:3,6 85:13,20 94:4 113:1,6,15 146:20 147:20 149:19 153:4 162:14 176:14 177:6,11 177:12,15 178:12 185:13 186:2,5,15 189:16 198:15,24 Jefferson 31:12 54:24 181:11,14 182:3 Jeffrey 54:8,10,13 141:12 148:22 149:2,6 Jersey 52:17 jewelry 64:18 job 18:8 20:14 56:15,16,17 58:4 58:9,12,15,20,22 59:6,9,11,13 72:19 73:24 jobs 16:6 John 2:8 5:13 Jones 49:5,5,6 135:19 Jo-Anne 1:16 201:4 201:16 203:6 Jpgonzales@md... 2:12 judge 29:22 32:12 32:12,14 35:1 144:22 150:18 169:18 July 51:7 Jumar 9:14,16,19 jury 32:11 juvenile 29:8,23 51:1 52:5 J-a-m-e-s 13:17 J-u-m-a-r 9:19 K Kabeum 60:19	Kareem 1:3,14 3:4 5:6 7:11 171:11 171:22 172:3 203:3 Kareema 8:14,17 10:22 11:8 keep 14:11 59:4 Kelly 2:24 55:16,16 55:18 185:1 Kena 78:12,17,24 79:1,11,19,20,23 80:1,21 81:1 84:11 85:4,7,12 103:7,7 104:22,23 105:8,10,12,13,14 115:21,23 147:22 148:11,12 Keogh 32:12,13 35:1 kept 70:12 key 99:9,10,12,13 99:14 110:4,5,7,8 110:19,20,22,23 110:24 111:2,5,8 111:9,14,15,17,18 148:2 191:15,17 keys 109:22,22,24 109:24 110:3,6,9 110:10,11,14,17 110:18,22 111:1 111:11,17,19,20 111:21 122:19,19 191:16,20,21 Khakis 64:12 kid 59:19,19 188:21 kidnap 31:23 32:19 33:13 34:13,14 49:20 50:4,5,7,11 145:12,17 kidnapped 33:20 kidnapping 33:1,4 38:19 kids 72:20,21,21 73:2,3,5,17 74:6,6 161:10 kind 29:24 40:1	62:9 64:10,14 119:22 132:13 159:12 178:21 Kitty 41:2 Kitty's 41:3 knew 42:17 55:1 77:9 79:20 80:21 132:1 135:17 137:16 140:22 142:18 148:5,12 159:9 173:21,24 181:2 knock 99:7 knocked 99:8,11 know 9:7 10:14,15 11:18,20 12:2,15 12:20,21 14:18,19 19:15 20:20 21:14 22:21,23 23:23 24:1,3 28:19,23 29:11 30:11 31:4 33:7,9 34:5 37:14 41:5,7 49:21 50:23 51:16 54:4 54:10 55:10,13,15 55:17,19,20,22,24 56:1 59:15,17 60:8,9,10,11,12 60:19,20,21,22 61:1,2,8,9,15,20 62:22 69:5 70:9 70:10 72:19 73:9 73:10 74:1,11,15 77:4,12 79:17 80:7,13 81:17,19 90:14 91:4,4,5 92:2,19 93:8,8,21 94:5,16,21,22 95:2,4,16,22 96:6 96:7,9,10,10 97:2 97:10,16 99:21 103:15,16,24,24 104:1,2,3 107:1 107:11,14,14,16 108:7,8,9,11,16 108:20 111:3,7,11
--	--	--	---	---

111:13 114:8 115:4 117:17 118:9 119:14,16 123:18,19 127:9 128:4,11 134:23 135:15 136:10,20 136:23 137:14,15 137:23 138:16 139:21,22 140:2 140:23 141:6,7,20 141:21,23,24 143:13,14,15 144:6,8 146:8 147:1,3,9,12,22 148:5,11 149:5,9 149:9,11,12 155:7 155:9 159:20 160:14,16,17 161:10 164:15,19 164:20,22 165:18 167:19,23 168:18 168:24 173:12,17 174:11,15,19 175:9,17,21 176:3 176:20 179:6,7,13 180:7,12,12,13,17 180:20 182:20,21 185:2,6,9,11,15 185:19,21 187:5 187:12,15 188:17 188:20,23 189:2 190:3,3,6,7,9,13 190:16,19,23 191:4 193:18,23 194:5,9,12,19 195:4,10 196:13 196:21,23 197:6 197:12,15 199:8 199:10 knowledge 103:10 172:10 173:9 185:16 known 79:20 80:23 103:14 163:14 180:5 K-a-r-e-m-a 8:21	K-e-n-a 78:14 L L 1:22,22 lack 193:7 lady 30:5 164:15 Lansdale 87:14 Lansdowne 8:7 11:12 21:21 22:7 65:2,13,16,21,23 66:1,13 67:9,11 67:20 68:3,12 87:9,9,16 88:4,10 88:23 90:1,1,5,6,7 117:9 lanyard 119:23 late 56:17 law 1:14 2:2,16 27:4 lawsuit 5:15,23 34:5,7 lawyer 145:5,7 146:13 166:21 lawyer's 164:13 LB 103:23,24 161:11,12 Lead 1:7 learn 156:22 159:16 learned 131:23 132:1 leave 39:5 57:24 72:1 87:24 105:18 106:15 107:22 Lee 195:21 left 6:4 66:20,24 67:1,4,16,23,24 68:9 70:1 74:4 84:20,24 88:8,11 90:7,8,24 92:5,9 106:8,14 107:5,12 107:17,17 108:6 108:12,13,15 109:12,20 112:18 125:9 132:21 left-hand 92:8	leg 57:3,7 legal 152:6 203:12 legitimate 115:4 letting 82:20 let's 121:3 130:2,9 130:10,12 Levittown 94:15,18 liability 34:6 license 112:5,7,10 112:12,14,15,19 112:22 113:1,6,10 113:13 114:4 lie 155:15 163:18 life 9:1 44:19,19,19 44:20,21 45:7 49:12 61:7,9 light 53:10,10 63:1 132:14 Lincoln 46:2 47:10 line 4:4,10,22 202:2 203:10 list 171:9 little 31:5 44:9,9 63:23 70:2,21 73:22 78:19 88:2 88:7,9,15,16 90:16 97:23 102:6 107:15 123:21 127:4,19 130:2 178:7,8,9 191:18 live 8:3,10 9:6 11:11,24 24:7 25:14,18 26:18,19 27:1,5,7,22 28:11 61:22,23 65:24 66:2 72:20 94:13 94:20 95:7 120:23 180:9,22,23 lived 33:10 47:20 59:20,22 61:20 65:7 66:6 79:2 80:8,13 86:4,10 93:3,10 95:4,8,9 122:10 124:10 133:5 147:24 148:6 174:21	180:11,18,21 lives 9:8 10:22 12:1 12:3 24:3,4,8 80:7 95:19 96:9,14 living 8:22 28:3,12 71:4 72:24 85:24 86:3 93:12,13,16 93:18 94:1,5,9,11 96:16 115:21 147:23 190:5 LLC 13:5,8 16:1 Local 58:14 59:9 located 8:5 11:13 21:15 177:23 location 13:19,21 131:5 lock 13:2,4,7 15:23 15:24 16:16,19 18:16,19,20,22 19:4 55:12,14 154:5 locked 30:6 34:20 36:9 41:22 53:24 103:15 123:15 134:18 147:11,17 154:3,14 155:21 158:7 182:18 locking 129:5 locks 132:16 long 8:22 31:13 37:20 43:23 47:15 60:12 61:15 83:19 91:13 93:10 100:1 106:7,9,10,10,11 106:13 108:4 126:11,14,17,19 126:20,24 127:4,5 127:7,10 129:2,3 129:10,11 140:5 144:20 152:24 160:4 longer 127:2,19,20 long-term 28:17 look 22:11 108:12 111:15 185:21 looked 62:24 86:9	123:19 132:11 147:10 158:11 looking 56:16 106:18 159:3 looks 188:20 lot 6:16 19:12 25:12 63:4,6 119:3,3,4 155:17 162:10 169:15 175:15 182:4,6,7,13 lottery 34:6 Lou 146:4,6 lower 197:18 M M 1:16,22 201:4,16 203:6 MAGNA 203:12 majority 154:19 man 102:15,18 Manhattan 43:17 43:18 March 10:11 18:18 Margaret 10:4,13 10:14 11:24 12:1 12:11,12 14:6 72:7 Margaret's 12:14 73:4 158:6 mark 170:21 188:18 marked 4:20 171:1 171:4,8 Market 1:15 2:9 203:13 markings 120:2 married 26:10,12 26:13,14,16 27:4 28:2,14 41:6 Marshall 1:14 2:7 Master 54:24 61:18 62:2 134:15,17 135:21 136:6 155:2 175:23 192:21 195:12 199:11
--	---	---	--	--

matter 159:7 201:8	mindful 56:10	83:23 84:4 109:23	22:1,13 23:13	28:6,6 45:23
Maurice 190:7	mine 62:14	111:22 122:20	24:5 28:7 29:11	52:17,19 54:3
McGonigle 145:15	minute 25:4 33:17	145:20,21,23	34:18 41:4,5,7,8	56:3,4 59:11 61:6
145:16,17,19	38:16 107:11	146:1,3,9 151:5	41:10,12 54:1,13	61:11,11,14,16
mean 36:12,13	127:1,2,17 138:4	152:3	62:19,21,22 73:10	103:14 118:4
42:22 51:1 53:7	140:7 179:15	monitor 56:17 57:7	76:21,24 78:13	132:1,21 144:23
105:3 107:5	minutes 100:3	monitoring 148:15	95:21 96:3,4	147:2,3,8,9,11,12
113:20 126:21	101:1 106:12	month 10:16 162:6	103:22,24 113:18	148:7 149:12
130:24 151:24	107:5,24 108:2,10	162:7	124:7 145:10	151:7 164:3 166:2
186:14 196:16	108:17 127:3,8,19	months 47:17 48:4	164:16,16 165:18	166:3,8,8 169:1
meaning 80:10	127:21,23 141:10	142:7 143:9 162:5	173:13 178:4	169:16,16,16,24
152:2	miscellaneous	162:8	182:5,20 183:13	170:12 174:13,14
media 135:10,16	49:23 51:14,18	Moon 19:15 190:10	185:19 187:5	185:20 187:7
164:9,11 165:3,3	misconduct 163:7	190:11,11	188:17 190:13,16	189:9 196:9,10
medical 17:1,1	misconducts 163:4	morning 58:2,13,15	190:20,23 191:5	new 37:24 38:1,8,9
Meehan 145:24	mishaps 27:9	70:17,18 81:7	named 183:2 185:4	38:10,11,12 39:2
165:23 166:1,2,3	missed 130:12	mother 190:2,3	185:8	39:23,24 40:21,23
166:5,6,23 169:5	mistaken 72:14	mother's 8:12 11:4	names 7:19,21 8:1	40:24 42:1,6,16
169:13,20 170:9	Mohammed 33:5	motion 179:4	10:3 69:3 73:5	42:19 43:2,8,14
195:17,21	34:19	197:16,17,17,18	140:3 183:11	43:15,17 44:11,14
meet 69:11 79:19	mom 8:11 11:2	move 27:10,10,11	188:15	45:10,19,24 46:1
84:11 164:23	12:9,12 22:23	27:12,14,15 28:22	narcotics 122:8	46:13,16,20,22
member 151:19	71:1 72:24 81:22	93:20	Nassau 88:23 89:2	47:1,2,5,13,14
members 161:15	82:1,7,16,22 83:7	moved 27:17 93:18	89:14,16,18,23	52:17,22 53:1
162:1	103:6 104:19,20	94:9 197:6	92:14 106:6	56:22 57:10 75:20
mental 23:2 153:14	104:24 105:9	movement 39:14	117:11,16,18	142:3 143:3
153:18 162:16	157:14,15 158:16	movies 81:18,21	130:3 131:7	177:15,16,18,19
mention 137:10	159:24 160:1,21	murdered 10:21	141:16 142:16	177:20 178:9
mentioned 136:22	162:10		143:13 154:15	news 164:15 165:3
141:8 143:1	mom's 24:5 104:4		near 59:20 87:13	Nextel 75:9,11
186:12 197:7	159:10		90:17 107:11	109:21 183:18
mentions 191:15	Monaghan 2:23		Nebbia 150:14	187:9
Mercy 15:20,21	54:15,18,19,21,22		151:2,3,4 152:1	Nicholson 146:5,6
mess 77:5	55:2,2,6 140:15		necklace 119:22	146:9
message 105:18	140:16,17,21		need 83:21 87:1	nickname 183:9,14
messing 25:12	141:7,13 142:11		neglected 188:16	niece 8:13 10:23
104:15	144:10,11 145:15		neighborhood	11:8 103:6 104:16
met 68:16 86:21,24	149:22 184:10,17		33:11,12 55:9,10	116:19
MICHAEL 2:2,3	184:22 193:6,8		59:16,18,20 61:4	nieces 162:11
mid 83:18 174:9	194:19 195:4,10		173:15,20,22	night 28:5 140:7,8
175:24	195:15,16,17,24		174:20 175:1,10	nine 49:19 58:3,6
middle 7:12 41:10	196:2,3,5		175:15 180:8,10	135:20 188:13
70:9 158:13,14	money 14:13 19:10		196:18	Ninth 17:11
Miguel 19:15	33:23,24 34:15,16		nephew 162:11	nods 6:6
190:10,11,11	81:20,23 82:10,15		Net 16:10,12,13,14	nope 17:7,14 18:3
mind 20:22,23	82:18,23 83:3,15		never 24:15 25:23	18:10 24:19 26:2

27:24 52:16,18,21 54:5,9,12,14 58:10 60:23 61:19 62:4 64:23 84:22 85:1,21 88:24 92:15 109:4,7,18 113:8 115:22 116:1,4 120:7 122:16 123:1 125:15,18,21 126:5 128:17 131:13 133:3 136:3 137:11 139:12 143:24 144:4,14 145:3 147:21 148:4,24 149:20 150:2,6 152:17 153:9,13 153:17,21 156:3,3 160:3,3 171:12 187:23 188:2,5,7 188:19 189:17 190:8 199:15 North 8:4,23 9:8 10:22 48:8,23 80:11,12 93:7 101:7 102:10 122:12 147:19 155:6,19 156:1,5 156:18,23 164:1 175:2 192:1 Notary 1:16 201:5 notes 201:8 notice 117:23 118:2 noticed 118:7 133:12 182:23 number 3:17 45:22 45:23 77:24 85:9 85:17,18 183:18 203:10 numbers 75:7,8 78:1,2 80:20 N-e-i-s-h 23:17	oath 5:21 object 152:8,11 166:11 167:21 168:7 176:9 objection 149:7,10 168:14 170:6 174:22 193:11,13 194:24 objections 5:2 observed 195:5,11 198:7 obtain 17:15 obtained 17:12 October-somethi... 23:23 offhand 23:24 155:16 office 13:18 21:15 114:24 115:9,11 officer 29:11 32:2 53:19 54:15 55:16 57:20,20 58:8 114:13,22 117:20 118:6 119:11 120:19 121:9 122:3,5,6 123:17 124:9,19 130:4,15 130:16 132:5 140:14,15 141:12 184:2,10,16,17,17 184:22 185:1 193:5,8 194:19 195:4,10 196:5 officers 51:23 117:24 119:1,4,5 121:5,10 122:1 123:5 124:19 125:19 126:2 139:8 140:12 149:24 155:19 156:1,4,16,23 157:11,18,21 158:3 163:24 168:18 169:24 192:18 officer's 123:10	198:7 offices 1:14 2:2 164:13 Oh 26:23 35:15 37:13 42:15 50:10 56:7 95:9,14 99:13 124:24 140:8 145:16 157:14 190:12 Ohhh 44:13 okay 5:18,24 6:10 7:3 10:2 12:5 16:2 16:9 26:23 27:3 29:3,4 30:24 34:12 36:5,12,15 36:18 37:13 38:21 39:2 40:9,14 42:10,15,19 43:5 43:11,19 46:24 47:4,7,13 48:20 49:17 50:5,15 51:17 53:2,14 61:2 65:10,22 66:22 67:2,9 68:8 69:15 76:21 78:10 84:3 85:11 91:11 94:11 97:24 98:12 101:23 102:3 103:18 104:16 108:3 111:1 113:20 114:13,18 116:15 118:9,14 119:11,21 126:11 127:24 130:6 134:5,20 137:18 138:19 140:20 142:5 143:7,11 146:4 150:23 151:6,8 152:4 154:5,18,22 158:17 159:1 164:23 165:5,15 168:9 169:5 174:11 178:11 183:16 184:13 185:3,16,22	186:18 189:22 old 11:8 31:5,16 73:11,14,19 188:21 older 11:9 73:22 74:6 Oldsmobile 178:22 178:23 once 6:18 35:22 46:22 47:4 106:13 139:13 150:20 165:1 ones 51:13 74:7 131:2 136:5 145:9 164:12 online 19:13 open 175:5 opportunity 5:19 150:8 Oral 1:14 order 14:12 19:9 ordered 19:14 197:20 ordinary 110:15 outs 13:22 outside 52:19 58:5 68:20 107:21 135:23 Overbrook 11:15 17:3,6 20:8 owe 142:7,7 143:8 146:3 owed 145:20 owing 33:24 owned 96:11,12 owns 95:18,20 96:10,13 o'clock 58:2 78:19 81:9 90:14,16,17 90:21 107:6	94:15,18 paddy 126:15 127:5,10 134:11 134:19 139:23 paddywagon 189:21 196:20 page 3:3,17 4:4,10 4:22 202:2 203:10 pager 188:3,6,9 paid 48:2 82:13 145:4,6 146:15 paint 48:1 painting 48:2 Pan 39:4 pants 64:10 paper 46:4 48:12 78:2 159:8,13,17 159:18,19 192:2,4 papers 48:9,10,11 75:9 159:10,15 paperwork 14:20 parents 10:24 park 91:14,15 92:7 92:16 parked 87:6 90:8 91:16 92:20,23,24 98:6,16,18 117:19 124:15,17 125:5 133:19,21 Parkway 2:18 parole 44:19,20,21 44:22 45:18,21 46:1 47:3,4 57:20 58:8 71:13,17 114:10,13,22 115:7 142:2,4,6 142:21 143:2,4,5 143:8 159:8,9,10 159:12,14,16,18 159:20,22 192:2,4 paroled 37:23 46:22 47:6 158:20 part 21:11 154:9 172:16 197:22 participated 192:12
--	---	---	--	---

particular 177:14 183:15	193:3 195:19,20	picked 65:19	police 29:12 32:2,3 32:4 39:16 53:3 53:16 55:3 114:12 117:21,24,24 118:22 120:3 121:5,9,10 125:23 129:19,22 130:3 132:5 136:2 139:8 139:11 140:12,14 140:15 141:11 149:24 155:19 156:4,22 157:7,11 169:24 185:7 187:13 191:11 192:17 198:6	print 19:8,9
particularly 178:18 180:17,20	personal 55:5	picks 43:14		prior 41:13 53:18 53:21,24 54:6,17 78:18 85:3,5 93:13 162:14 185:12 186:2
partner 13:12,13	personally 60:1,3 179:9	picture 20:24 112:8		prison 16:20 38:8 81:2 163:2
pass 10:20 17:21 20:1	pertaining 34:1,8 34:10 166:2 195:18,18,22	piece 72:21		prisons 153:12
passed 20:2,3,5 93:17 141:1	Peter 39:4	pieces 78:2		private 81:17
passenger 87:21 100:15	petitions 146:12	PILEGGI 2:2,3 3:8 50:20 114:16 115:13 128:7 149:7,10,14 151:9 152:5,10 156:8 166:10 167:1,10 167:13,24 168:3,9 168:14 170:5 174:22,24 175:4 176:8,16 179:8 180:22 181:17 192:9,11 193:17 195:3 198:10		privilege 166:12 167:3 168:5
pat 123:5	Philadelphia 1:6,15 2:4,10,16,19,23 8:6 9:9 11:17,19 11:23 12:5,6 21:17 29:15 32:3 32:4 33:11 43:8 49:3 52:2,3,20 53:12 179:24 203:5,13	Pine 12:1,2 139:2,7 139:14 184:7,8		pro 146:15,18
patrol 126:12	Philly 28:4 42:2,4 53:11 54:23	pilled 194:7,8,8		probably 22:1 27:19 37:14 41:16 49:19 53:4,9 60:17 63:11 64:12 70:23 72:4 73:21 83:16,19,20 102:5 102:6 111:4 127:4 157:4,7 162:5 164:12,21 170:3 174:3 178:7,8,9 178:15 179:2 181:11,13 182:12
patrolled 54:22	phone 75:2,4,6,7,9 75:11,13,16,17,19 75:19,23 76:4,6,7 76:11,17,20 77:7 77:8,10,13,13,15 77:20 78:1,1,5,10 78:20 79:11 80:15 80:18,19,20,24 84:15 85:18 100:10,10,17,21 105:14,22 107:16 109:21 122:20 147:16 150:12,17 150:20,21 160:8 162:21 163:10,11 163:13 183:17,18 188:1 190:19,20 191:8	Pil423@aol.com 2:5		probation 30:22 49:4,22 57:20 115:6
patted 123:3		plaintiff 1:4 2:5 171:24 172:3		process 36:4 146:16
pavement 124:18		plaintiff's 3:23 171:11		processed 35:23
pay 24:15 53:13 145:24		plans 28:17		PRODUCTION 4:9
paying 28:8		playground 180:19		Professional 1:16 201:4
payment 25:24		plea 42:24 44:18,18 117:5		program 18:1,9 20:15 47:12 48:6
PCA 146:17		plead 32:8		proper 114:10
PCRA 167:8		pleaded 43:4		property 191:10
PD 53:11		Pleas 35:2,4		prosecutor 192:16
penalties 39:9		please 7:10,23 8:20 10:8 13:15 45:1,3 86:15		provide 15:8 22:17 24:13 25:20 198:19,22
Pennsylvania 1:1 1:15 2:4,10,19 37:23 38:5,6 39:6 42:12 45:13,18 46:15,18,21,22 52:20 56:23,24 142:5 143:5,6 203:5,14		plus 142:9 143:10		provider 23:3
people 33:7 60:5 68:24 69:2,4,5 129:5 134:18 135:20 136:10 138:10 175:15 182:10 183:6,10		pocket 20:21		psychiatrist 23:4 162:19,24
percent 170:4		point 113:1 115:19 156:21		
period 49:11 78:8 94:12 112:16 134:10 161:4		pointed 86:8,9,11 86:16		
permitted 57:24 58:4		points 53:13		
person 32:24 33:3 34:4 130:3 190:16	Pichonot 188:18 pick 105:14,17 109:8 121:21			

psychologist 23:5 162:19	questioned 167:16	recognize 131:20	119:24 120:4,5,9	119:12 120:19
Public 1:16 201:5	questioning 149:22	135:14	120:11 124:6,7	121:9,24 122:6,7
publish 19:5	questions 4:20 5:21	recognized 55:8	136:11,13 137:3	122:8 123:4,10
publishing 18:13	6:1,5,9,14 126:4	recollection 22:12	138:2,5 140:1,3	124:9,19 125:11
18:14,15,16,20	130:24 141:14	record 21:2,4,6	155:16 160:11	125:14,16 131:15
19:4,11	142:13 171:10	37:16,18 46:8,10	164:16 165:22	131:17 133:4
pull 114:12 118:15	172:1,8 179:19,21	50:21 99:1 103:9	176:20,24 177:2	141:12 142:17,20
118:17,23 132:2	185:23 192:7	121:18 125:2	177:12,13,16,20	143:1,3 145:1
132:18 133:7	199:17	172:19,21 179:15	178:17 183:17	149:19,22 153:22
pulled 92:21	R	179:17 185:24	remembers 152:9	158:10,18,19
117:18,18 118:11	R 1:22 2:1 201:1	records 19:13	remove 148:19	159:2,23 160:1,24
127:6 130:4,17,19	202:1,1 203:1	22:10 179:5	rendition 193:9	184:2,17
133:14 134:11	radio 125:23	red 53:10	rent 28:8	Ricky 41:12
147:1 194:9,9	129:19 136:2	Reece 28:4,12	rented 95:14	riding 100:14 129:6
pulling 133:13,16	139:11	referred 137:1,4	renting 95:12,13,16	right 12:14 13:6
purposes 171:2,5	raising 163:8	referring 101:4,7	rephrase 6:23	16:2,7 21:11 22:8
put 9:20 38:24	ran 46:16	183:7	195:7,9	27:5 28:1 34:24
117:21 121:10,23	range 107:7	refresh 22:12	report 49:2,6 71:12	35:3 36:21 41:13
123:17 126:12,14	Raniesh 23:14	regarding 5:21	71:13,17	42:5 46:5 49:4
126:18 128:14	24:11,14,18,21	regards 166:13	reporter 1:16 6:3	50:2,8 51:2,21
134:18 135:11,13	25:17,18,21 26:4	regular 32:2 53:4	6:17 8:15 55:21	55:4 57:8 59:2,8
139:4,14,17	26:7	64:12 110:17	62:16 97:3 171:13	66:6,18,20,21,24
183:11 197:15	Raniesh's 23:21	113:18,20,22	171:17 181:19,23	67:5,6,14,15,17
putting 119:9 122:3	rap 51:7	related 80:21	191:1 201:5	67:19 68:2,4,5
123:12,13 183:13	Rashare 95:1	relationship 9:10	reports 164:11	69:24 70:3,7,8
197:16	Raymond 9:3 12:8	19:18 24:10 25:6	represent 5:14	71:22 72:23 73:4
P-i-c-h-o-n-o-t	189:1,2,3,6,23	25:9	request 4:9 187:21	74:10,14 75:15,21
188:18	Raymond's 190:2	release 36:16 46:4	187:24 197:2	75:24 76:9 79:17
p.m 71:23 74:22	read 48:17 172:13	47:11 48:5,11,16	reserved 5:3	82:6,6 84:14
76:5 106:22 200:1	203:3,18	48:21 82:12,13	respect 197:24	85:15 87:4,7,9
P.O 18:24	ready 43:2	released 36:18 38:7	response 3:23	88:11,14 89:9,18
	real 12:21	39:6 43:13 46:21	106:2 122:14	91:16,17,19,23
	really 14:5 137:7	48:7 57:10 159:19	responses 6:8 172:4	92:7,9,11 93:3
Q	181:20	163:15	restrictions 39:12	95:5 97:2,8,9
question 5:3 6:22	reason 7:6 53:3	relevance 176:9	39:13	98:15 99:6,23
6:23,24 14:23	recall 73:23 192:15	relevant 5:23	return 187:22,24	101:11,19,20,24
25:5 40:13,17	192:23	Religious 9:16	returned 47:7	102:13,23 105:12
54:15 57:9 65:22	receipt 191:10	remember 11:15	187:16,19	105:20 106:3
74:14 76:9,15	receive 76:16	21:23 22:2 31:2	returns 15:8	107:18 109:12
78:4 82:5,20 84:2	153:14,18 163:3	51:23 53:7 63:17	reverend 95:18,22	110:7,23 111:16
97:8 112:9,17	203:17	63:20 64:16 69:3	95:22,23 96:2,5	111:22 112:17,21
133:6 137:19	received 20:12	69:24 71:18 72:9	review 172:7 173:2	115:16 117:7
138:21 150:1	recess 99:2 172:22	74:17,18 75:19	194:11	118:21 121:3,18
167:20 168:7	recognizance 36:17	88:5 92:18 93:4,5	Reynolds 2:13 5:14	121:21 124:18,21
169:19 180:1	36:19 39:7,10	107:9,10,12 111:8	29:22 53:20 54:2	125:1 127:6,13,20
184:1,4 195:17,22		114:1 115:2,2	117:20 118:6	128:2 129:12,18

130:1,9 131:9 133:1,15,18 135:7 138:14 139:13 140:1 142:23 144:9 146:19 152:15 155:24 157:6 161:8 164:18 168:2 169:19 170:7 172:13 173:18 175:7 179:18 186:22 189:3 192:6 195:13 197:12 199:16 203:18 rights 153:23 154:1 right-hand 67:8 125:6 Rikers 43:20,23 ring 110:4,5,7,9,23 110:24 111:2,5,8 111:9,17,18 191:15,17 Road 65:13,16 88:4 88:10 117:11 130:3 131:7 141:17 143:13 154:15 robber 145:18 robbery 31:24 32:19 50:4,6,7,11 145:12 Rock 62:15,18 141:24 142:19 180:5,6 182:22,24 183:2,3,8,12,12 199:8 Ronald 60:22 room 86:10 148:1 158:6,6,13,14,14 158:20,22 rooming 86:10 rooms 158:11 Rough 43:22 round 111:21 route 88:5	RR 35:12 36:16 rung 160:7 running 53:9 129:4 runs 22:2 rushed 160:7 R-a-n-i-e-s-h 23:16 <hr/> S S 1:22,22 2:1 3:14 203:1 Sab 77:4 Sabrina 76:23 190:22 191:3 sales 175:6 181:5 sat 129:1 Saturday 24:23 saw 17:4 47:4 56:3 56:4 85:22 119:11 132:2,17 133:6 159:23 164:4 174:8 saying 32:22 44:23 51:12 76:3,7 77:14 119:6,8 129:23 136:12,14 136:15 137:3,6,7 137:24 139:8 142:10,11 144:1 says 114:5 scanned 48:13 scene 34:19 125:17 125:20 126:2,12 131:10 134:3 193:20 195:12 196:7 198:1,8 school 17:2 30:19 30:20 74:8,12,12 74:15 SCI 37:8 161:16 Sciolla 145:10,22 145:22 se 146:15,18 Sean 2:24 55:18 searched 123:2 seat 40:12 87:18 seated 6:3	second 6:13 101:21 147:24 section 11:15 see 9:13 35:15 45:20 46:5 47:2 48:20 51:6 59:23 60:2,3 61:5,14 62:1 65:6,8,11,15 69:21 77:23 79:15 79:16 81:11,12 85:11 86:12,16 98:5 102:20 103:13 118:12,15 118:22 121:5 130:3,16 131:4,9 131:12 133:9,15 141:8,16 150:18 150:21 160:22 162:20 171:11 189:12,18 193:22 seeing 104:3 seen 24:22 55:2 61:11,16 69:19 80:5 85:3,7 92:21 103:12,12,13 116:7 118:4 144:22 147:10,12 155:13 174:4,4,5 174:6 182:17 185:20 189:8,9,10 189:11 193:19 194:1,3 196:19 198:1 self 69:7 sell 61:12,13,14,16 94:14 174:14 selling 30:14 31:11 31:14 52:8,10 59:23 60:2,4,6 61:5 62:1 137:9 174:20 175:10,22 176:3 181:9 182:2 182:14 send 19:6,9 197:19 197:20 sent 19:1 38:8 46:2	47:9 172:1 sentence 37:21 45:11 165:12,14 165:14 sentenced 32:16 46:14 165:13 sentencing 165:13 separate 182:11,12 separated 26:24 27:1,2 September 1:10 201:13 203:4 Sergeant 185:5,11 186:3,6 series 171:24 serve 37:20 38:2 served 30:5,5 35:5 49:22,24 51:15 service 162:6 services 9:16,17 203:12 serving 43:14 45:5 set 110:6 151:14,15 sets 191:20,21 settle 44:22 settled 44:17 seven 32:17 38:3,4 44:11 45:9 73:12 73:13 74:7 Shaheem 33:5 34:12 Shaidell 73:6,11,20 Shakur 7:13 41:9 41:11 Shante 11:2,2,5 Sharon 93:19,20,24 sheet 51:7 Shirley 19:22 shirt 64:14 short 120:13 126:23 127:12,15 134:9 157:24 shorter 120:14 127:22 Shorthand 1:16 show 21:7 152:2	showed 48:12 159:19,21 Shower 182:10 showing 171:7 shown 193:5 195:16 shut 122:2 Siani 73:8,14,15,22 sic 32:10 177:10 side 67:8 70:7 90:10 92:8,9 122:3 125:6 189:5 sign 191:18 203:19 SIGNATURE 203:24 significance 183:5 signs 191:22 Similar 159:20 Sinclair 2:24 185:8 185:11,14,18 single 138:2,5 sister 14:5,5 19:12 19:20 72:18 103:4 103:18 105:1 157:14,15 sisters 9:23,24 10:2 71:6 72:6 73:1,1 81:22 82:1,7,17 82:22 83:7 162:11 sit 87:20 138:1,4 sits 22:9 93:9 six 47:16 48:4 74:7 120:17 skip 172:14 sleep 70:18 Smaller 63:1 Smithfield 37:6,7,8 37:8,9,10 161:17 161:18,19 social 23:4 162:17 162:18 sold 61:6 170:16 174:12,16 175:16 somebody 19:8 33:13,20,23,24 59:6 96:12 132:2
--	--	--	---	---

148:19 173:12 182:5 183:12 son 189:4 sons 27:21 soon 92:20 98:6 sorry 82:21 87:16 121:13,22 171:17 172:17 176:23 177:8 181:24 183:21 190:12 sort 110:4 sounds 45:4 167:7 sp 10:4 59:15 60:19 70:10 95:1,18 135:8 136:23 185:5 Space 19:7 speak 24:20,22 149:18 162:24 speaking 131:14 184:18 specifically 106:24 154:23 176:5 177:3 Spectrum 20:18 21:12,13,19 22:5 spell 7:14,23 8:20 9:18 10:8 11:4 13:14 20:19 23:15 73:7,9,10 76:24 78:13 spelling 20:21 spend 28:5 35:6 37:3 46:20 spent 46:15 48:4 100:24 spoke 57:19 79:22 80:1 99:22 140:18 162:23 163:1 spoken 163:23 199:13 spot 43:22 square 111:14 stage 194:7 stamps 17:1 stand 70:8 80:22	85:14,23 86:17 standing 68:20 124:14 Stanley 76:23 77:3 77:4 190:22 191:2 191:4 start 31:13 76:7 started 16:18 18:12 18:15 44:18 80:20 129:4 139:2 141:13 state 7:9 37:1,3 38:7 39:5 45:22 45:23 52:24 113:24 114:1 115:9 153:11,20 161:24 statement 169:23 statements 150:3 169:10 170:14 STATES 1:1 station 55:3 stay 47:15 144:20 152:18,22 178:11 stayed 35:23 47:16 72:22 107:4 129:9 158:8,9 180:12,13 180:13,14 staying 94:16,24 95:2,3 stenographic 201:7 Stephanie 73:18,22 steps 68:21 69:2 stolen 191:24 stop 53:5 70:14 92:13 98:17 109:16 stopped 53:2 70:11 118:3 stops 53:15 70:5 88:22 102:9 117:12 store 61:24 70:8,11 story 32:21 straight 88:13 90:6 92:22 109:14	strangle 50:9 street 1:15 2:3,9 8:4,24 12:1,2 48:8 48:23 61:18 62:3 65:7 67:2,18,22 70:9 79:3 80:11 80:12 86:5,18 87:7,13 88:8 89:10,11 91:14 92:5 93:3,8 94:24 96:21,22,24 101:3 101:12 102:21 106:5 109:15 122:13 124:16 125:6,9 135:9,10 135:16 147:20 155:6,20 156:2 164:1 175:18 178:1 192:21 195:13 196:12,15 196:17,22 203:13 Streets 175:23 strike 19:2 90:12 104:21 151:14 195:8 study 34:23 35:7,8 35:10,24 36:1,10 stuff 113:23 122:9 137:6 142:12 146:15 158:16 166:2 180:19 submit 197:1 submitted 172:5 substance 40:5 Suite 2:9 summer 44:2,2 Superior 194:10,11 197:10,20 supervisor 185:4,7 support 4:1 24:13 24:16,18 25:21,24 supposed 34:8 supposedly 34:4 suppress 195:16 sure 14:7 71:14,21 72:17 74:17 94:8	95:3 96:1,8 103:11,11,17 106:24 108:16 124:1,4,23 125:2 148:7,12 164:22 172:8 174:13 178:15 194:15 199:12 surveillance 192:17 switched 22:4,4 sworn 5:7 S-a-b-r-n-a 77:2 S-b-r-n-a 77:1,2 S-h-a-i-d-e-l-l 73:8 S-h-a-k-u-r 7:15 S-h-a-n-t-e 11:5 S-i 73:9 S-p 20:20 <hr/> T T 3:14 201:1,1 202:1 203:1 take 5:17 6:6 17:22 20:9,24 69:13 79:7,8 81:13,16 84:12 109:8 122:18 127:9 144:15 175:5 184:5 196:12 taken 24:17 99:3 133:1 172:23 187:19 191:24 201:8 203:4 takes 43:15 Talib 10:7,18,19,20 10:21 11:1 12:16 Talib's 12:18 talk 79:14 80:16 102:13,17 104:24 105:9 137:8 138:14 147:14 148:22 talked 69:19 75:1 87:1 105:2 125:11 148:7 149:6,12 161:23 164:3	184:16 talking 6:17 50:8 56:6 80:15 91:8 105:6 114:17 136:11,12 137:23 140:24 144:5 149:23 161:19 163:14 182:23 tall 120:12,16 132:13 158:1 taller 120:15 123:20,21 Tameka 10:4 11:11 Tameka's 10:10 12:7,9 Tamika 72:19,23 73:23 103:5,18 105:2 116:11,16 157:16 161:7,9 Tamika's 73:17 104:11,12 116:22 tapes 194:2,10,12 197:19,20 tax 15:8 taxes 14:7,15,21 15:1,3,5 Taylor 2:17 3:6 45:1,4,10,15 56:5 56:9 167:6,12,15 176:10 179:20,22 180:23 181:1,21 182:1 186:23 193:13 194:24 199:19 tell 14:16 66:18 71:16,20 81:10 85:23 86:2,6 101:10 107:19 121:5 125:2 143:14,14 150:12 151:1 157:17 158:17 160:9 172:15 191:23 ten 93:14 106:12 107:4,6,23,23 108:2,17 127:8
---	---	---	--	--

142:9 143:10 term 104:10 terms 57:22 test 17:21,22,23 testified 5:7 108:23 133:24 154:6,7,11 168:18 180:2,3 185:10 186:8 192:24 193:3 194:20 195:5,11 testify 7:7 115:23 116:2,5,8,11,16 116:19,22 117:1 154:9 165:7,9,11 165:20,21,23 193:8 testimony 40:9 50:12 167:17,19 193:19 196:3 198:7,9 203:4,9 Thank 45:15 151:11 186:24 192:8 199:18 therapist 23:3 162:19 thick 63:7 thing 74:18 138:2,5 144:21 169:7 181:12,14 things 122:17 124:22 142:10 166:20 think 11:9 24:2,8 26:21 27:17 29:7 29:14,18 30:2,19 34:3,10,19 37:10 47:16 51:11 64:2 64:5,8 71:3 72:14 74:9 91:2 93:7,21 96:11 97:24 104:17 111:13 122:5 123:11 128:22 131:1 134:22 143:16 144:10 145:6 147:24 161:11	162:15 165:4,12 166:11 167:4 168:4 175:4 177:24 178:1 180:15 thinner 123:24 third 6:21 thirty 203:17 thought 44:7 67:10 130:11 thousand 14:19 20:3,4 153:3 three 28:13 32:17 38:3 44:10 45:8 50:14 51:13 60:17 73:16 88:18 89:8 106:16 107:6 139:24 throw 167:7 Thursday 1:10 63:19 71:13,18 203:4 Thursdays 105:5 ticket 53:5,13 tickets 53:8 Tiffany 24:6,7 25:1 25:7,10,14,17,23 26:5 Tillman 60:24 61:3 135:16 Timberland 64:5,6 64:9 Timberlands 64:2 64:4 time 5:4 24:14 29:5 30:15,16,21,23 31:15,19 35:5,10 37:4 40:10 41:17 41:24 43:7 44:12 44:14 45:6 46:14 46:16,19 49:14,22 49:24 51:15 52:11 52:12 56:19,20 59:10 61:15 63:12 63:13 69:8,16 70:1,11,20 71:5	72:9,12,14,20 73:11 75:5,8 78:8 79:22 80:14 81:1 87:24 90:11,13 91:6,10,11 92:16 92:18,20 93:6 94:3,12,17 95:3 97:14,16,17,20 98:4,10,15,15,17 100:8 102:3,5,8 102:19 103:15,16 104:1,14 106:15 107:10,14,17,22 108:1,6,8,11,11 108:13,14 109:20 112:18 113:6 117:15,17 124:14 128:2,4,6,12,23 129:16 131:5,21 134:10 142:6 143:8 146:21 148:16 152:19 155:13 156:21 157:2 160:9,11,24 161:24 162:20 170:15 174:8 176:4 178:6 181:14 184:6 186:14,16 188:4 188:21 189:9 190:5 191:12 192:15 194:1,17 196:19 times 28:15 29:2 50:13 59:8 85:11 85:16 104:4 105:16,17 107:13 107:13 164:23 189:10 titled 171:11 today 5:16 6:15 7:7 113:10 138:1,5 164:3 told 51:10 59:6 69:11,12,13,21,22 69:23 77:8 79:15	114:13,22 122:7 122:12 134:3 143:2 157:9,13 160:19,20 170:3 Tombs 43:18 top 22:2 Torain 1:3,14 3:4 5:6,13 7:11,16 8:13 10:4,5,7,9 11:1 14:6 19:22 56:5 72:7 95:1 171:7,12,22 203:3 Torain's 172:4 Torain-1 3:21 171:2,8,9 173:3 Torain-2 3:23 171:5,9 172:3 173:3,8 Toronto 9:8 touch 182:15 touched 183:1 tough 97:4 143:17 training 18:8 20:14 transactions 188:10 transcript 201:7 203:18,19 transcription 203:8 transcripts 166:4 168:17,21 169:8 170:12 transported 139:7 traveling 133:19 treated 23:2 162:17 treatment 153:15 153:19 162:16 trial 5:4 32:9,10,10 32:11 35:1,13,24 36:6,19,20,22 38:17,19,24 42:2 42:24 43:3,3,24 44:18 115:24 116:3,9,13,17,20 116:23 117:2,4,6 145:23 152:19 153:1,2,3 165:7	166:3,5,7,20,24 168:12,13,15,22 168:23 169:13 170:2 192:13,13 193:2,24 194:2 trials 194:14 tried 17:15 147:16 194:16 true 107:2 154:16 154:17,24 155:8,9 163:17,21,22 172:9 173:8 201:6 203:8 truthfully 7:7 try 18:6 28:20 58:11,14,20 59:12 151:20 171:20 trying 43:5 58:9 59:4 79:2,3,4 108:5 127:7,13 142:14 158:5 166:22 turn 102:1 turned 35:11 36:3,5 TV 72:4 74:20 twice 17:23 59:10 85:14 106:13 196:3 two 9:24 18:17,17 20:3,4 26:17 27:21 32:23 33:7 36:2 44:19,19,20 44:21 45:7 53:9 53:14 61:24 70:2 70:3 72:21 73:1,1 73:2,3,5,15 74:23 77:18 88:2,19 90:16,22 97:23 102:6 105:16,17 110:10,11 111:20 134:23,24 135:6 153:2 157:11,18 161:5 171:7 183:6 191:20,21 two-something 63:14,15 91:5
--	--	--	---	--

97:22 106:16 type 18:1,8 20:9,14 52:7 103:9 111:10 113:16 114:2 153:14 165:15 T-a-l-i 10:9 T-a-l-i-b 10:9	videotape 59:24 155:14 195:15 197:13 198:2 videotapes 192:17 193:1,4,5,10,20 193:22 194:22 195:6 197:1,3 198:4 view 196:4 Vincent 13:12,16 13:23 15:13,15 violate 153:24 violated 153:23 violations 122:8 visit 9:13 24:20 41:13,18 69:18 95:5 97:14,21 157:7 161:16 162:2,4,9 visited 41:14 85:19 157:8 visiting 101:1 vs 1:5 V-i-n-c-e-n-t 13:16	203:18 walk 67:18 68:1,11 99:6 109:13 walked 65:24 66:3 66:4,8,10 68:3 69:20 74:23 86:20 97:19 98:21 99:23 101:3,11,13,14,20 106:5,21 109:14 115:16 Walker 54:8,10,13 130:4,7,7,15,16 131:4,24 132:17 133:7,8,9 141:13 142:22 143:7,9 148:23 149:2,6,22 158:8,8,9 161:1 184:18 walking 67:13 114:11 196:8 wallet 112:2,3,4 want 11:18,20 14:17 27:10,11,14 29:1 46:5 92:2 167:23 170:5,21 172:14 181:21 188:14 196:12 wanted 27:10,12 34:12 65:6,8,11 69:11,21 94:14 145:22 146:1 184:3 Warner 1:14 2:7 Warren 128:19 129:7,8 134:7 Washington 9:3,11 41:9,11,12 wasn't 28:8,9 35:2 39:8,8,10,13 40:13 49:23 72:5 90:14,17,17 92:19 106:9,10,13 108:4 114:4 119:19 126:16,22,23 127:5,9,11,14,17 127:23 154:18	155:12 163:22 181:12 190:1 watch 72:4 watching 74:20 water 70:8 80:22 85:14,22 86:12,17 91:21 102:15,17 waves 63:2 Wavy 63:2 way 44:20 60:12 63:16 70:15,17 100:8 101:23 103:8 109:17 117:13 125:4 128:16 Waymart 162:3 163:7 weapon 29:20 wear 57:1 wearing 63:24 64:11,18,22 119:13 120:6,8 148:16 weather 63:20 Webster 32:12 Wednesday 176:15 week 63:18 weekend 24:24 weeks 36:2 weigh 123:23 weight 124:1 welfare 16:17,23,24 went 16:4 21:20 22:3 30:17 32:6 34:22 35:1,8,13 36:1,2,23,24 37:1 37:2,5,6,24 38:24 41:17 42:16 44:1 44:15 45:19,20,24 47:10 51:2 58:13 58:14,19,24 59:10 71:14,18 72:7 74:9 88:6,7,9 89:3 89:4,8 90:4 92:4 92:21 93:2 97:18 98:6,18 99:21,23	103:3,3,6 105:5 107:3,14 117:6 121:11,24 129:7 134:15 135:8 145:12,18 153:2,3 155:19 156:7,16 156:23 158:19 161:1 162:3 163:24 166:18 169:18 175:14,16 175:24 178:3,14 178:15,15 weren't 39:12 51:19 west 8:6 11:17,19 21:17 28:3 33:11 37:13 54:23 we'll 168:8 171:20 we're 5:16 27:2,4 28:24 49:9 97:2 wheelchair 94:7 white 157:24 wife 41:7 Wilkes-Barre 24:8 wind 34:20 94:15 window 147:10 witness 3:3 4:3 8:17 45:7,12,16 50:23 55:23 56:7 62:18 97:9 114:18 128:11 149:8,11 155:24 156:12 168:15 176:12,19 179:12 187:1 191:3 192:24 193:16 195:1,24 199:22 witnessed 164:4 woman 187:5 wondering 180:3 Woody 31:4 word 136:15 193:7 words 32:18 57:23 69:15 123:9 148:15 198:3 work 13:1 15:15
U				
U 203:1 uncle's 41:6,8 underneath 40:11 understand 6:11,19 6:22 7:4 91:24 164:8 167:11 187:14 203:7,15 understood 7:2 uniform 119:4,4,5 119:20 122:1,3,5 123:5,9,11,12,16 124:18 132:9 uniforms 117:21 UNITED 1:1 unn-nns 6:7 upstairs 158:11,15 upstate 36:24 37:2 42:16 44:11 45:22 45:24 162:21 use 13:20 69:9 123:8 188:6,9 usually 14:6 71:17 150:21 U.S.A 16:14	view 196:4 Vincent 13:12,16 13:23 15:13,15 violate 153:24 violated 153:23 violations 122:8 visit 9:13 24:20 41:13,18 69:18 95:5 97:14,21 157:7 161:16 162:2,4,9 visited 41:14 85:19 157:8 visiting 101:1 vs 1:5 V-i-n-c-e-n-t 13:16			
V	W			
V 1:22 valid 112:22,24 113:5,9,12 van 188:14 189:18 vehicle 79:8 Velvet 177:21,22 178:19 verbal 6:8 verbatim 79:18 136:14 verify 170:23	wagon 126:15,15 126:18 127:5,10 128:15,15 129:15 133:2 134:6,11,19 134:20 135:11,13 135:18,20 137:13 137:22 138:6,10 138:15,17 139:1 139:23 189:19 199:5 wait 25:4 33:17 38:16 57:16 82:4 82:4 84:2 86:14 97:7,12 101:6,6,6 102:16 113:4 130:22,22,22 131:3 138:4 156:8 156:18 waiting 38:17,18 waived 167:5			

20:9 28:20 47:11 47:21 48:5 58:18 58:19,21 59:5 72:7,8,8,10,12 82:12,12 worked 47:22 181:8 worker 23:4 162:18 working 15:13 72:13 82:10 182:3 works 72:15 worries 171:19 write 163:18 written 75:8 78:2 wrong 168:1 171:14 www.MagnaLS.c... 1:24	83:13,19 85:6 86:13,19 87:15 88:17 91:9 92:1,3 95:15 96:18,20 97:5,20 98:3 101:16,18 102:1,1 102:2 103:20 104:9,12,15 105:7 106:1,20 110:13 110:21,24,24 113:17 114:15 115:12 117:6 118:14,16,21 123:21 130:10,14 132:6,8 134:8 135:13,19 139:16 139:19 140:9 142:5 143:6 150:10 154:2,22 156:10 157:22 158:24 161:6,7 163:5 164:12 165:24 166:21 171:16 173:14 175:12,19,20 176:1 177:20 178:9 183:7 186:1 186:11 192:5 194:18 197:5 year 14:14 22:5 24:1 27:18 43:2 44:1,3,4,16,17 47:18 73:21 years 25:13 26:17 28:13 37:22 38:2 60:18 79:20,21 93:14 142:9 143:10 164:17 182:8 188:21 Year's 177:15,17 177:18,19,20 178:9 yellow 48:19 Yep 12:19 17:9 48:14 50:19 57:21 57:21 58:17	110:13 135:13 146:23 152:21 153:6 York 37:24 38:1,8 38:9,10,11,12 39:2,23,24 40:21 40:23 41:1 42:1,6 42:16,19 43:2,8 43:14,15,17 44:11 44:14 45:11,20,24 46:1,13,16,20,23 47:1,2,5,13,14 52:22 53:1 56:22 57:10 142:3 143:3 younger 41:16 60:16,16,16,18 youth 34:23 35:7,8 35:10,24 36:1,10	15 106:12 107:4,23 188:21 1500 146:10 16 31:16 101:4 16-something 93:8 1621 8:4,23 13:20 18:23 48:8,23 66:2 101:7 110:2 110:8,12 122:12 155:2,4,6 156:5 156:16,23 160:2,5 160:10 161:1 175:2 192:1 1628 80:11 96:23 147:19 163:24 1635 203:12 1655 93:7 17 31:17 34:22 35:9 35:13 36:8 171 3:21,23 179 3:6 18 35:11,20 36:3,5 36:9 50:24 51:1,3 187 3:5 19th 29:14 51:8 19102 2:19 19103 2:10 203:14 19106 2:4 19131 8:9 192 3:8 198 3:5 1989 29:8 1990 51:8,11 1995 31:22,23 1996 41:14	143:10 20-something 142:7 200 82:2 200-something 81:24 2000 1:15 2:9 45:17 45:19 47:19 48:18 48:22 56:13 85:12 177:5 2001 29:1 53:18 54:7 60:14 61:18 62:24 77:16 80:4 81:4 85:3,13,20 94:4 113:7,15 146:20 147:20 149:19 153:4 162:15 176:16,17 177:6 185:13 186:2,5,15 189:16 198:15,24 2002 153:3,5 2006 10:21 2014 16:21,22 17:24 18:7 113:14 2018 14:3 15:5 16:22 2019 15:3 2020 15:1 2021 1:10 201:13 203:5 21 11:9 101:5 21-22 4:12 215 2:4,11 22 11:10 22nd 9:8 23rd 10:11 23-18 4:12 2300 2:9 28 143:8
X X 3:1,14		Z zip 8:8 zodiac 191:18		
Y yeah 11:19,19,22 12:6 13:8 14:1,1 14:11 15:16,16,17 20:22 21:10,13 22:15 23:18,20 26:21 27:14 28:3 30:13,16 34:16 35:17 37:2 38:18 38:22 43:12,12,17 45:16 46:16 48:2 49:13,15 51:3,20 52:3,6,12,13 53:4 53:6 55:11 56:14 58:3,7 59:4,24 63:19,23 64:5,21 65:9 66:6,9,14,15 67:3,24 68:7 70:19 71:6,8 73:12 74:3,10,13 74:21 76:1,20 77:3,8,12,17 78:12,23 80:5 81:8,24 82:3,9		\$ \$200 82:8 \$230 111:24 \$250 187:18		
		0 06 148:1		
		1 1 81:8 1st 10:19 177:15 178:12 1:21 200:1 10 108:10 10th 85:12 189:13 10:11 1:15 11 78:19 81:6,7 12 81:8 178:7 12th 48:7,18,22 13 31:18 51:11 13-2773 1:7 14th 2:18 51:7 14-1643 1:6		2 2 71:23 74:22 76:5 2nd 177:11,12 2:15 90:19,22 91:9 2:20 91:10 98:1,13 2:30 90:24 91:3,8,9 98:2,14 102:6 2:40 102:7 106:22 107:2 20 83:10 142:9
				3 3 90:14,15,17,21 107:6 3rd 176:14 3:30 128:7

30 1:10 83:10 127:23 201:13 203:4 303 2:3 332 58:14 59:9 3700 146:2 <hr/> 4 <hr/> 4 177:6 198:15,24 4th 74:15 77:15 78:6,11 80:4,17 81:4 84:20,23 85:3,7,13,20 113:2,6,15 146:20 147:20 149:19 186:15 189:16 <hr/> 5 <hr/> 5 3:5 50 83:5,10 50,000 151:18 52nd 21:16 128:19 129:7 134:6 54th 8:7 55th 65:2,20,23 66:1,12 67:2,9,10 67:16,19,22 68:2 68:3,9,12,13 80:11,12 87:8,11 88:6,23 89:20,23 90:2,9 91:12,14 91:17,19 92:5,14 92:17,22 93:7 94:24 96:19 98:1 139:2,7,13 147:20 155:19 156:1 164:1 175:22 184:7,8 196:12,15 196:22 199:11 56th 87:10,12,13 90:8 134:15,16 135:21 136:5 155:2,6 181:10 182:2 5600 61:17 57th 8:7 175:23	575-2600 2:11 59th 180:15 <hr/> 6 <hr/> 6/28/77 7:18 60,000 34:9 60-something 14:18 61st 12:1 21:21 22:6 65:13,16 88:4,23 89:1,15 89:22 90:3 92:13 117:8,9,15,18 133:17 142:16 154:13 62nd 28:4,12 624-6221 1:23 627-8516 2:4 63rd 131:7 66th 31:12 6630 11:12 <hr/> 7 <hr/> 7th 153:3 73 10:15 75 10:11 83:10 79 10:19 <hr/> 8 <hr/> 8 58:2 71:23 74:22 76:5 86th 54:23 888 1:23 <hr/> 9 <hr/> 9th 203:13 90 29:8 170:3 181:6 90s 25:11 55:1 60:15 93:13 103:14 174:3,9,10 175:24 180:14 181:3,9 182:9 188:7,8 903 26:19 92 24:2 94 36:7 77:5	95 31:21 77:6 96 38:15 52:6 170:17 97 44:2,15 98 44:2,16		
---	--	--	--	--